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The Mysore Gazette

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 4.

BANGALORE, THURSDAY, JANUARY 27, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. R. 7103—Ft. 21-11-3, dated 22nd January 1916.

Under Sections 37, 38 and 76 of the Mysore Forest Regulation (XI of 1900), the Government of His Highness the Maharaja of Mysore are pleased to issue the following rules for the control of the transit of sandalwood within the Mysore State and of its import into and export from the State :—

1. "Sandalwood" includes roots, billets, pieces, sawn or otherwise, chips and sawdust containing any heartwood, but does not include sandalwood carved or otherwise manufactured.

2. It shall not be lawful for any person to import sandalwood into, or export it from, the Mysore State or to transport it from place to place within the Mysore State without a permit as specified in Rule 4.

3. The ownership of sandalwood imported or exported for trade purposes or moved within the State shall be indicated by a property mark which shall be impressed upon the property before its removal.

All such property marks shall be registered at the District Forest Office. It shall be lawful for the District Forest Officer to require from any person, either

when presenting a property mark for registration, or at any subsequent time, information relative to locality, quantity of wood available, period of felling, agency, routes, depots or destination and such other details regarding his method of felling, trading or working as the District Forest Officer may require. He may refuse registration and may cancel the registration of any property mark if the information required is not given, or if he considers that such property mark cannot easily be distinguished from the Mysore Government mark or from a property mark used by another person, or if he has reason to believe that the person using the property mark is or has been concerned in, any illegal practice with regard to sandalwood or for other good and sufficient reason which shall in every case be placed upon record by the District Forest Officer and submitted for the approval of the Deputy Commissioner. A certificate of registration in Form I appended, shall be granted by the District Forest Officer to the person registering.

Registration and each renewal of registration shall hold good from the date thereof until the 1st July following the date of registration.

4. For the purposes of these Rules, the following permits are prescribed :—

(1) In the case of sandalwood which is produced in Mysore the permit shall be in Form II appended hereto.

(2) The permit for sandalwood imported into Mysore will be in Form III appended and issued by the Conservator of Forests in Mysore.

Note.—It will be open to the Conservator of Forests to refuse the issue of such permits for reasons recorded in writing, a copy of which will be furnished to the party applying for the permit. An appeal against his orders will lie to the Government of His Highness the Maharaja.

5. No permit shall be used more than once. When the quantity of sandalwood removed under a permit is less than the quantity mentioned therein, it shall not be used again to cover the deficiency.

6. Every permit shall be produced for examination when demanded by a Revenue, Police or Forest Officer.

7. Sandalwood not exceeding 5 lbs. in weight carried by *bona fide* travellers for their own use will be exempt from these Rules.

8. Any person who infringes any of these Rules shall be liable on conviction before a Magistrate having jurisdiction to imprisonment for a term which may extend to 6 months or fine which may extend to Rs. 500 or both. The sandalwood concerned shall also be liable to confiscation under Section 47 of the Forest Regulation.

By Order,
V. R. THYAGARAJA IYER,
Secretary to Government,
Revenue Department.

FORM I.

Counterfoil to be retained by the issuing officer in duplicate diglot.

Under Rule 3, Section 37, Mysore Forest Regulation.

Certificate of Registration.

1. Name of person registering.
2. Description of device or property mark.
3. Date of registration of renewal.
4. Remarks

Certified that, residing at, has registered—renewed the above device or property mark for the official year ending 30th June 19 .

District Forest Office,
19 .

District Forest Officer.

FORM I.

Under Rule 3, Section 37, Mysore Forest Regulation.

Certificate of Registration.

Name of person registering	Description of device or property mark	Date of registration of renewal	Remarks
1	2	3	4

Certified that, residing at, has registered—renewed the above device or property mark for the official year ending 30th June 19 .

District Forest Office,
19 .

District Forest Officer.

FORM II.

Permit for the removal of Sandalwood produced in the State.

Name of person to whom the permit is granted	Koti or other place whence wood is removed	Description of wood	Number	Quantity or weight	Where to be removed	Limit of time allowed for reaching destination	Remarks

Station

Dated 191

District Forest Officer,
District.

FORM III.

Permit for the import of Sandalwood from outside the limits of the Mysore State.

Name and residence of the person to whom the permit is granted.	No. and date of foreign permit	Description of sandalwood	Quantity		Marks, if any, on the sandalwood	From what place removed	To what place removed.	Route to be followed	Time allowed for removal	Remarks.
			No.	Weight						

Station

Dated 191

Conservator of Forests in Mysore.

To be printed in duplicate.

1. Counterfoil to be retained in the issuing office.
2. Original to be granted to the party.

Registered No. M—1175.

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The Mysore Gazette

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 5.

BANGALORE, THURSDAY, FEBRUARY 3, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 281—L. C., dated 29th January 1916.

Under Rule 31 of the rules for the conduct of business of the Mysore Legislative Council, the following Bill to amend the Mysore Tramways Regulation, 1906, is published for general information with a statement of objects and reasons :—

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Bill to amend the Mysore Tramways Regulation, 1906.

Whereas it is expedient to amend the Mysore Tramways Regulation, 1906; His Highness the Maharaja is pleased to enact as follows :—

Addition of a new Section after Section 48.

After Section 48 of the Regulation, the following new Section shall be added as Section 49.

Special provision in regard to tramways constructed under the authority of Government.

"49. Notwithstanding anything contained in this Regulation, it shall be lawful for Government to authorise the construction of electric tramways by any agency they deem fit and by means of a special order published in the official Gazette to confer and impose on such agency all or any of the powers and liabilities under this Regulation, which may be found

necessary from time to time and the provisions of this Regulation shall thereupon apply to such agency subject to such modifications as may be provided in the order."

STATEMENT OF OBJECTS AND REASONS.

The Mysore Tramways Regulation, 1906, has been enacted chiefly with reference to cases of construction by private individuals or companies. Therefore, the portions of the Regulation that relate exclusively to such individuals or companies will be found unsuitable when any tramway is worked by Government. Accordingly power has to be reserved in the Regulation to exempt Government from the operation of such sections as may be found unsuitable. This is proposed to be done by this amending Bill.

No. 282—L. C., dated Bangalore, the 29th January 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the marginally noted Bills are published for general information with a statement of Objects and Reasons.

1. Bill to amend the Mysore Tank Panchayet Regulations, 1911, and 2. The Minor Tank Restoration Bill.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to amend the Tank Panchayet Regulation, 1911.

Whereas it is expedient to amend the Tank Panchayat Regulation, 1911; His Highness the Maharaja is pleased to enact as follows:—

Amendment of sub-section (2) of section 2.

1. In Sub-Section (2) of Section 2 of the Regulation, for the words "not less than Rs. 300" the words "more than Rs. 300" shall be substituted.

Amendment of paragraphs (1) and (2) of section 16.

2. For Section 16 paragraphs (1) and (2) the following section shall be substituted:—

"16 (1) With the approval of a majority of not less than two-thirds of the raiyats, a Tank Panchayat may undertake the construction, restoration, or improvement as the case may be, of a minor tank under the rules in force on that behalf.

3. For the figure "(3)" in Sub-Section (3) of Section 16, the figure "(2)" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under the Rules issued in 1904, in connection with the restoration of minor tanks, a tank with an atchkat of Rs. 300 is classed as minor, whereas under clause (2) of Section 2 of the Tank Panchayat Regulation, such a tank is a major tank. The rules recently issued on the same subject repeal the order that the raiyats should do the earthwork and Government the stone and masonry works. To bring these rules and the Regulation into harmony with each other, the Regulation is proposed to be amended.

The Minor Tank Restoration Bill.

Whereas it is expedient to facilitate the working of the Schemes for the construction and restoration of minor tanks; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Minor Tank Restoration Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Minor tank.

2. Every tank which falls within the definition of a minor tank contained in Section 2 of the Tank Panchayet Regulation, 1 of 1911, shall be a minor tank within the purview of this Regulation.

Agreement of holders of two-thirds area to be binding on the others.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank or of lands likely to be irrigated by a minor tank proposed to be constructed, agree to pay a share of the cost of restoration or construction according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such consent has been recorded before a Revenue Officer not lower in rank than a Deputy Amildar, and notice thereof has been personally served on the occupants of lands whose consent has been withheld.

Recovery of dues.

4. Any amount due under this agreement shall be leviable as if it were arrears of land revenue.

Appeal.

5. Within thirty days of the service of the notice under Section 3, it shall be open to a person on whom such notice has been served to appeal to the Deputy Commissioner, who shall thereupon after such enquiry as may be necessary, pass an order either confirming the notice with or without modification, or withdrawing it. The Revenue Commissioner may, on a petition by the party aggrieved, revise such order if it is manifestly illegal or inequitable; but otherwise, the Deputy Commissioner's order shall be final.

STATEMENT OF OBJECTS AND REASONS.

In order to give effect to the scheme recently sanctioned by Government with regard to the restoration of minor tanks, legislation is considered necessary on two points, *viz.*, for making the consent of the majority binding on the minority, and for the recovery of the amount of contribution due from the raiyats as an arrear of land revenue. The Bill is intended to provide for this object.

Registered No. M—1175.

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BANGALORE, THURSDAY, FEBRUARY 10, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 283—L. C., dated Bangalore, 29th January 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill for the registration, surveillance and control of Criminal Tribes, is published for general information together with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill for the registration, surveillance and control of Criminal Tribes.

Whereas it is expedient to provide for the registration, surveillance and control of criminal tribes; His Highness the Maharaja is pleased to enact as follows:—

PRELIMINARY.

Short title and extent.

1. (1) This Regulation may be called the Criminal Tribes Regulation, and

(2) It extends to the whole of Mysore.

2. In this Regulation, unless there is anything repugnant in the subject or context,

Definitions.

(1) "criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under Section 3;

(2) "prescribed" means prescribed by rules under this Regulation; and

(3) "tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

NOTIFICATION OF CRIMINAL TRIBES.

Power to declare any tribe, gang or class a criminal tribe.

3. If the Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may, by notification in the official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Regulation.

REGISTRATION OF MEMBERS OF CRIMINAL TRIBES.

Registration of members of criminal tribes.

4. The Government may direct the District Magistrate to make or to cause to be made a register of the members of any criminal tribe or of any part thereof within his district.

Procedure in making register.

5. Upon receiving such direction, the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of such criminal tribe, or of such part thereof as is directed to be registered,

(a) to appear at a time and place therein specified before a person appointed by him in this behalf;

(b) to give to that person such information as may be necessary to enable him to make the register; and

(c) to allow their finger impressions to be recorded:

Provided that the District Magistrate may exempt any individual member of such criminal tribe or part thereof from registration.

Charge of register.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

Alterations in register.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by or by the order in writing of the District Magistrate.

(2) Before the name of any person is added to the register under this section the Magistrate shall give notice in the prescribed manner to the person concerned—

(a) to appear before him or a person appointed by him in this behalf at a time and place therein specified;

(b) to give him or such person such information as may be necessary to enable him to make the entry; and

(c) to allow his finger impressions to be recorded.

Complaints of entries in register.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Power to take finger impressions at any time.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger impressions of a registered member of a criminal tribe to be taken.

10. The Government may, by notification in the official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner—

Members of criminal tribes to report themselves or notify residence.

(a) report himself at fixed intervals; or

(b) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

RESTRICTION OF MOVEMENTS OF CRIMINAL TRIBES.

Notification restricting movements of, or settling, tribe.

11. If the Government considers—

(a) that it is expedient to restrict the movements of any criminal tribe, or to settle it in a place of residence, and

(b) that the means by which such criminal tribe shall earn its living are adequate,

it may publish in the official Gazette a notification declaring that such criminal tribe shall be restricted in its movements to the area specified or shall be settled in the place of residence specified.

Power to vary specified area or place of residence.

12. The Government may at any time by a like notification vary the terms of any notification published by it under Section 11 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

Verification of presence of members of tribe within prescribed area of place of residence.

13. Every registered member of a criminal tribe, whose movements have been restricted or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Transfer of register in certain cases.

14. When the area to which the movements of a criminal tribe or any members thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in Section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in Sections 7, 8 and 9.

SETTLEMENTS AND SCHOOLS.

Power to place tribe in settlement.

15. The Government may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof, in respect of which a notification has been published under Section 11.

Power to place children in schools and to apprentice them.

16. (1) The Government may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been published under Section 11.

(2) For every school established under sub-section (1) a Superintendent shall be appointed by the Government.

(3) For the purpose of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

(4) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

Power of Government to discharge or remove persons from settlement or school.

17. The Government may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the State,—

(a) to be discharged, or

(*b*) to be removed to some other like settlement or school in the State.

Power of Government to direct use of any settlement or school in Mysore for reception of persons.

18. The Government may, by like order, direct that any person to whom the provisions of Section 15 or Section 16 are applicable may be placed in, or transferred to, any industrial, agricultural or reformatory settlement or school in any part of Mysore.

RULES.

Power to make rules.

19. (1) The Government may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate :—

(*a*) the form and contents of the register prescribed in Section 4 ;

(*b*) the mode in which the notice prescribed in Section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village-watchmen and land-owners or occupiers of the village in which such persons reside or the agents of such land-owners or occupiers shall be informed of its publication ;

(*c*) the addition of names to the register and the erasure of names therein, and the mode in which the notice prescribed in Section 7 shall be given ;

(*d*) the mode in which persons mentioned in Section 10 shall report themselves, or notify their residence or any change or intended change of residence or any absence or intended absence ;

(*e*) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under Section 11 or Section 12 ;

(*f*) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted ;

(*g*) the conditions to be inserted in any such pass in regard to—

(i) the places where the holder of the pass may go or reside ;

(ii) the persons before whom, from time to time, he shall be bound to present himself ; and

(iii) the time during which he may absent himself ;

(*h*) the place and time at which and the persons before whom members of a criminal tribe shall attend in accordance with the provisions of Section 13 ;

(*i*) the inspection of the residences and villages of any criminal tribe ;

(*j*) the terms upon which registered members of criminal tribes may be discharged from the operation of this Regulation ;

(*k*) the management, control and supervision of industrial, agricultural or reformatory settlements and schools ;

(*l*) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour ; and

(*m*) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove.

PENALTIES AND PROCEDURE.

Penalties for failure to comply with terms of notice under Section 5 or 7.

20. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,

(*a*) fails to appear in compliance with a notice issued under section 5 or section 7, or

(*b*) intentionally omits to furnish any information required under those sections, or

(*c*) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or

(*d*) refuses to allow his finger impressions to be taken,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalties for breach of rules.

21. (1) Whoever, being a registered member of a criminal tribe, violates a rule made under clause (*e*), clause (*f*) or clause (*g*) of section 19 shall be punishable with imprisonment for a term which may extend,

(*a*) on a first conviction, to one year,

(*b*) on a second conviction, to two years and,

(*c*) on any subsequent conviction, to three years.

(2) Whoever, being a registered member of a criminal tribe, violates a rule made under any other clause of Section 19 shall be punishable,

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both, and

(*b*) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

22. (1) Whoever, being a member of any criminal tribe, and, having been convicted of any of the offences under the Indian Penal Code specified in the Schedule, is hereafter convicted of the same or any other offence specified in the said schedule, shall in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,

(*a*) on a second conviction, with imprisonment for a term of not less than seven years, and

(*b*) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for registered members of criminal tribe found under suspicious circumstances.

23. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court—

(*a*) that he was about to commit, or aid in the commission of, theft or robbery, or

(*b*) that he was waiting for an opportunity to commit theft or robbery,

shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits.

24. (1) Whoever, being a registered member of a criminal tribe,—

(*a*) is found in any part of Mysore, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the coditions of his pass, or

(*b*) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police officer, village headman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be), there to be dealt with in accordance with this Regulation or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Regulation.

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

Duties of village headmen, village watchmen and owners or occupiers of land to give information.

25. (1) Every village headman and village watchman in a village in which any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of :—

(*a*) the failure of any such person to appear and give information as directed in section 5; or

(*b*) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and village watchman in a village, and every owner or occupier of land or the agent of such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

Penalty for breach of such duties.

26. Any village headman, village watchman, owner or occupier of land or the agent of such owner or occupier, who fails to comply with the requirements of Section 25, shall be deemed to have committed an offence punishable under the first part of Section 176 of the Indian Penal Code.

SUPPLEMENTAL.

Bar of jurisdiction of Courts in questions relating to notifications under Sections 3, 11 and 12.

27. No Court of Justice shall question the validity of any notification published under the provisions of Section 3, Section 11 or Section 12 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

THE SCHEDULE.

(See Section 22.)

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STATEMENT OF OBJECTS AND REASONS.

The question of settling the criminal tribes was raised and discussed at the last meeting of the Representative Assembly. Under the gang rules in force, the movements of the gangs are watched and supervised by the regular and the village

police force. These Rules are found inadequate to prevent their escape and committing depredations. To bring these gangs under effective observation and control, and to bring the law into harmony with that in British India, it is considered necessary to have a Regulation based on the lines of the British Indian Act. The provisions are permissive only, and are intended to give power to declare a tribe as criminal, to register their members, to take finger prints and generally put the tribe under observation.

No. Fl. 3777—S. R. 37-15-9, dated 7th February 1916.

In supersession of Notification No. Fl. 2390—S. R. 142-14-6, dated the 27th November 1915, it is hereby published for general information that with effect from 1st July 1916, the price at which Government sells opium to licensed vendors will be raised to Rs. 41-8-0 per seer of 80 tolas.

By Order,

V. R. THYAGARAJA IYER,
Secretary to Government,
Revenue Department.

Registered No. M—1175.

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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 280—L. C., dated the 29th January 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to amend the law relating to Government and other Provident Funds is published for general information with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to amend the law relating to Government and other Provident Funds.

Whereas it is expedient to amend the law relating to Government and other Provident Funds; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Provident Funds Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Regulation,

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions, or deposits under the rules of the Fund:

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of Government for any class or classes of its employees:

(3) "Compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option, of the subscriber or depositor and includes any contribution which may have been credited in respect of and any interest or increment which may have accrued on, such subscriptions or deposit under the rules of the Fund.

Payment from Government on death of subscriber or depositor.

3. When a subscriber to, or depositor in, any Government Provident Fund, dies, the officer or person whose duty it is to make payment of such sum may pay it,

(*a*) to any person entitled to receive it according to the rules of the Fund, or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it;

(*b*) in default of any such person as aforesaid, to the person who produces a succession certificate or probate or letters of administration obtained under the law in force claiming to be entitled to receive such sum, provided that where the sum payable does not exceed one thousand rupees, payment may be made to such person whom the officer or the person making the payment after reasonable enquiry finds to be entitled to receive it.

Protection to deposits and other sums in certain cases.

4. (1) Compulsory deposits in any Government Provident Fund shall not be liable to attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and a Receiver appointed under the Mysore Insolvency Regulation, 1911, shall not be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Regulation, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorised by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

Protection for anything done in good faith under this Regulation.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Regulation.

Power to extend Regulation to other Provident Funds.

6. The Government may in its discretion, by notification in the official Gazette, extend the provisions of this Regulation to any Provident Fund established for the benefit of its employees by any Company which administers a Railway or Tramway in Mysore under contract with Government or for employees under a District Fund or a Municipal Fund, or for any employees in any aided Educational Institution or in a Muzrai Institution, or under any company registered according to law.

STATEMENT OF OBJECTS AND REASONS.

Since the State has commenced to work Railways whether owned by the State or District Boards, it is deemed necessary to start a Provident Fund Institution for the benefit of those employed on working Railways or in the offices. It is proposed to exempt the person entitled according to the rules of the Fund, to the sum to the credit of a subscriber at his death, or his nominee from the production of a probate or succession certificate and thereby enable him to receive the amount without the trouble and expense involved in obtaining such authority. In other cases exemption is allowed only when the amount does not exceed one thousand rupees. As the Fund is intended mainly for the benefit of the family of the subscriber it is also considered necessary to protect the money from attachment. Power is also taken for extending the provisions to other Provident Funds. The Bill is drawn up on the lines of the British Indian Act.

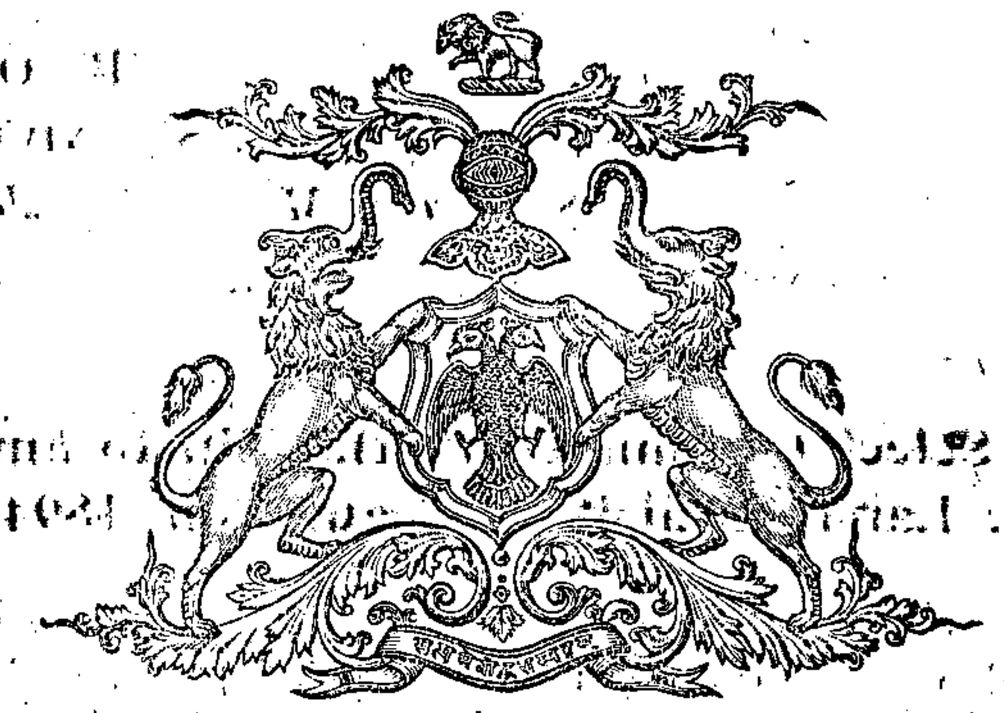
No. J. 3338—Legis. 20-13-73, dated 16th February 1916.

In exercise of the power conferred by Section 5 of the Mysore Legislative Council Regulation, 1907, the Government of His Highness the Maharaja are pleased to amend, as follows, the rules issued under Notification No. J. 2292—Legis. 20-13-2, dated 12th February 1914, regarding the conditions under which four Non-official Additional Members of the Legislative Council may be elected from the districts for nomination to the Legislative Council :—

1. After the words "under (i)" in Rule VII (*a*) the words "and (iii)" shall be added.
2. In Rule VIII, for the words "in class (i)", the words "in classes (i) and (iii)" shall be substituted.

By Order,
V. R. THYAGARAJA IYER,
Secretary to Government,
Revenue Department,
In charge, General Department.

Registered No. M—1175.



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BANGALORE, THURSDAY, MARCH 2, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. J. 3548—*Legis.* 42-15-1, *dated 29th February* 1916.

In exercise of the powers conferred by Section 12A of the Mysore Legislative Council Regulation, 1907, the Government of His Highness the Maharaja are pleased to make the following alteration in the Rules published with Government Notification No. J. 2291—Legis. 20-13-1, dated 12th February 1914:—

"In Rule 10 of the said Rules, '20' shall be substituted for '12'."

By Order,
V. R. THYAGARAJA IYER,
Secretary to Government,
Revenue Department,
In charge, General Department.

No. 300—L. C., dated 24th February 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Report of the Select Committee on the Bill to amend the Mysore Land Acquisition Regulation, 1894, is published, for general information, together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore Land Acquisition Regulation, 1894.

We, the members of the Select Committee, appointed to consider the Bill to amend the Mysore Land Acquisition Regulation, 1894, have the honor to submit the following report to the Council, with the Bill as amended by us.

We have examined the Bill carefully and have recast the clause as follows:—

"In sub-section (*c*) of Section 3 of the Regulation the words 'the Assistant Commissioner in-charge of a Revenue Sub-Division or' shall be inserted after the word 'includes'."

The Bill as amended by us may also be published.

H. V. NANJUNDAYYA.
M. KANTARAJ URS.
C. S. DORASWAMY IYER.
H. NARASINGA RAO.

(*Note.*—Mr. K. R. Srinivasiengar, also a member of the Select Committee, was absent.)

A Bill to amend the Mysore Land Acquisition Regulation, 1894.

(*As amended by the Select Committee.*)

[The portion in square brackets is that omitted and that in italics newly added by the Committee.]

Whereas it is expedient to amend the Mysore Land Acquisition Regulation, 1894; His Highness the Maharaja is pleased to enact as follows:—

Amendment of sub-section (*c*) of Section 3.

[In sub-section (*c*) of Section 3 of the Regulation the words "or an Assistant Commissioner in charge of a Revenue Sub-Division" shall be inserted after the words "of a district."]

In sub-section (c) *of Section 3 of the Regulation the words "the Assistant Commissioner in charge of a Revenue Sub-Division or" shall be inserted after the word "includes."*

Registered No. M—1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, MARCH 9, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 3588—*Legis.* 23-13-14, *dated 4th March* 1916.

Under Section 21 of the Mysore Civil Courts Regulation, 1883, the Government of His Highness the Maharaja are pleased to prescribe the following rules for making appointments to ministerial offices of the Civil Courts in Mysore.

1. *Powers of a Munsiff.*—A Munsiff may make all appointments in his Court carrying a salary not exceeding Rs. 20 per month subject to confirmation by the District Judge.

Provided that no such confirmation shall be necessary for the appointment of menial servants other than the permanent appointments of process peons.

2. *Powers of a Subordinate Judge.*—(1) All appointments of the inferior service in the Court of a Subordinate Judge may be made by the Subordinate Judge.

(2) A Subordinate Judge may also make appointments in the superior service on the establishment of his Court carrying a salary up to Rs. 25 (twenty-five) a month subject to the approval of the District Judge.

3. *Powers of the District Judge.*—A District Judge may make all appointments :—

(1) On the establishment of Courts of Munsiffs subordinate to him carrying a salary exceeding Rs. 20 (twenty) ;

(2) On the establishment of the Court of a Subordinate Judge, subordinate to him, carrying a salary exceeding Rs. 25 (twenty-five) and not exceeding Rs. 50 (fifty) per month ;

(3) On the establishment of his own Court when the salary attached to the appointment does not exceed Rs. 50 (fifty) per month.

4. *Powers of the Chief Court.*—The Chief Court may make all appointments on the establishment of any Civil Court in Mysore, carrying a salary exceeding Rs. 50 (fifty) per month ;

Provided that appointments, carrying a salary of Rs. 100 (one hundred) and upwards per month or a salary rising by increments to Rs. 100 (one hundred) shall be subject to confirmation by Government.

5. Where in the case of an appointment made by a Munsiff or a Sub-Judge which is subject to the approval of the District Judge, the District Judge and the Munsiff or the Sub-Judge as the case may be, are unable to agree upon an appointment, the matter shall be reported for the orders of the Chief Court, whose order thereupon shall be final.

6. Every ministerial officer who is suspended or removed by order of a Munsiff or Sub-Judge may appeal to the District Judge against such order and if removed or suspended by order of a District Judge may appeal to the Chief Court. The orders of the District Judge or the Chief Court, as the case may be, passed on such appeal shall be final.

By Order,

D. M. NARASINGA RAO,
Secretary to Government,
General Department.

REGULATION No. II OF 1916.

A Regulation further to amend the Mysore Land Revenue Code, 1888.

(Received the assent of His Highness the Maharaja on the 25th day of February 1916.)

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows :—

Amendment of Section 181.

1. In Section 181 for the words "shall be forfeited to Government" the words "shall at the discretion of the Deputy Commissioner be liable to be forfeited to Government either wholly or in part" shall be substituted.

Amendment of Section 182.

2. For the words "sale which is eventually made" occurring in Section 182, the words "re-sale which is held by reason of the purchaser's default" shall be substituted.

Amendment of Section 185 of the Code.

3. In para 2 of Section 185 of the Code, after the words "after recording his reasons in writing" the words "and on such conditions as he may deem proper concerning the payment of interest on the money deposited or other compensation" shall be inserted.

Amendment of Section 236.

4. After the words "Kayamgutta village" occurring in the third para of Section 236 the words "or where there are more holders than one of such village, on such application by so many of them as hold in the aggregate not less than three-fourths of the shares in such village" shall be added.

M. VISVESVARAYA,
Dewan.

Registered No. M—1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, MARCH 16, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 288—L. C., dated 1st February 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill, to amend the law relating to Trading Companies and other Associations, is published for general information together with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

THE MYSORE COMPANIES BILL.

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THE FIRST SCHEDULE.
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A Bill to amend the law relating to Trading Companies and other Associations.

WHEREAS it is expedient to amend the law relating to Trading Companies and other Associations; His Highness the Maharaja is pleased to enact as follows:—

PART I.

Preliminary.

Short title, commencement and extent.

1. (1) This Regulation may be called the Mysore Companies Regulation.

(2) It shall come into force on the first day of and

(3) It extends to the whole of Mysore.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context,—

(1) "articles" means the articles of association of a company as originally framed or as altered by special resolution, including, so far as they apply to the company, the regulations contained (as the case may be) in Table B in the Schedule annexed to Act No. XIX of 1857 or in Table A in the First Schedule annexed to the Mysore Companies Regulation, 1895, or in Table A in the First Schedule annexed to this Regulation.

(2) "company" means a company formed and registered under this Regulation or an existing company:

(3) "the Court" means the Court having jurisdiction under this Regulation:

(4) "debenture" includes debenture stock:

(5) "director" includes any person occupying the position of a director by whatever name called:

(6) "District Court" means the principal Civil Court of original jurisdiction in a district:

(7) "existing company" means a company formed and registered under the Indian Companies Act, 1866, or under any Act or Acts repealed thereby, or under the Mysore Companies Regulation, 1895:

(8) "Insurance company" means a company that carries on the business of insurance either solely or in common with any other business or businesses:

(9) "manager" includes any person occupying the position of a manager by whatever name called, and whether under a contract of service or not:

(10) "memorandum" means the memorandum of association of a company as originally framed or as altered in pursuance of the provisions of this Regulation:

(11) "officer" includes any director, manager or secretary but, save in sections 239, 240 and 241, does not include an auditor:

(12) "prescribed" means, as respects the provisions of this Regulation relating to the winding up of companies, prescribed by rules made by the Chief Court, and as respects the other provisions of this Regulation prescribed by the Government:

(13) "private company" means a company which

(*i*) by its articles—

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its members (exclusive of persons who are in the employ of the company) to fifty; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company: and

(*ii*) continues to observe such restrictions, limitations and prohibitions:

Provided that where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this definition, be considered as a single member:

(14) "prospectus" means any prospectus, notice, circular, advertisement or other invitation, offering to the public for subscription or purchase any shares or debentures of a company:

(15) "the registrar" means a registrar or assistant registrar performing under this Regulation the duty of registration of companies: and

(16) "share" means share in the share capital of the company, and includes stock except when a distinction between stock and shares is expressed or implied.

Jurisdiction of the Courts.

3. (1) The Court having jurisdition under this Regulation shall be the Chief Court:

Provided that the Government may, by notification in the official Gazette and subject to such restrictions and conditions as it thinks fit, empower any District Court to exercise all or any of the jurisdiction by this Regulation conferred upon the Court, and in that case such District Court shall, as regards the jurisdiction so conferred, be the Court in respect of all companies having their registered offices in the district.

(2) For the purposes of jurisdiction to wind up companies, the expression 'registered office' means the place which has longest been the registered office of the company during the six months immediately preceding the presentation of the petition for winding up.

(3) Nothing in this section shall invalidate a proceeding by reason of its being taken in a wrong Court.

PART II.

Constitution and Incorporation.

Prohibition of partnerships exceeding certain number.

4. (1) No company, association or partnership consisting of more than ten persons shall be formed for the purposes of carrying on the business of banking unless it is registered as a company under this Regulation, or is formed in pursuance of any enactment at any time in force in Mysore.

(2) No company, association or partnership consisting of more than twenty persons shall be formed for the purposes of carrying on any other business that has for its object the acquisition of gain by the company, association or partnership, or by the individual members thereof, unless it is registered as a company under this Regulation, or is formed in pursuance of any enactment at any time in force in Mysore.

Memorandum of Association.

Mode of forming incorporated company.

5. Any seven or more persons (or, where the company to be formed will be a private company, any two or more persons) associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Regulation in respect of registration, form an incorporated company, with or without limited liability (that is to say), either—

(*i*) a company having the liability of its members limited by the memorandum to the amount, if any, unpaid on the shares respectively held by them (in this Regulation termed a company limited by shares); or

(*ii*) a company having the liability of its members limited by the memorandum to such amount as the members may respectively thereby undertake to contribute to the assets of the company in the event of its

being wound up (in this Regulation termed a company limited by guarantee); or

(*iii*) a company not having any limit on the liability of its members (in this Regulation termed an unlimited company).

Memorandum of company limited by shares.

6. In the case of a company limited by shares—

(1) the memorandum shall state—

(*i*) the name of the company with "Limited" as the last word in its name;

(*ii*) the objects of the company;

(*iii*) that the liability of the members is limited;

(*iv*) the amount of share capital with which the company proposes to be registered, and the division thereof into shares of a fixed amount:

(2) no subscriber of the memorandum shall take less than one share:

(3) each subscriber shall write opposite to his name the number of shares he takes.

Memorandum of company limited by guarantee.

7. In the case of a company limited by guarantee—

(1) the memorandum shall state—

(*i*) the name of the company, with "Limited" as the last word in its name;

(*ii*) the objects of the company;

(*iii*) that the liability of the members is limited;

(*iv*) that each member undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and of the costs, charges and expenses of winding up, and for adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding a specified amount:

(2) if the company has a share capital—

(*i*) the memorandum shall also state the amount of share capital with which the company proposes to be registered and the division thereof into shares of a fixed amount;

(*ii*) no subscriber of the memorandum shall take less than one share;

(*iii*) each subscriber shall write opposite to his name the number of shares he takes.

Memorandum of unlimited company.

8. In the case of an unlimited company—

(1) the memorandum shall state—

(*i*) the name of the company;

(*ii*) the objects of the company:

(2) if the company has a share capital—

(*i*) no subscriber of the memorandum shall take less than one share;

(*ii*) each subscriber shall write opposite to his name the number of shares he takes.

Signature of memorandum.

9. The memorandum shall be signed by each subscriber in the presence of at least one witness who shall attest the signature.

Restriction on alteration of memorandum.

10. A company shall not alter the conditions contained in its memorandum except in the cases and in the mode and to the extent for which express provision is made in this Regulation.

11. (1) A company shall not be registered by a name identical with that by which a company in existence is already registered, or so nearly resembling that name as to be calculated to deceive, except, where the company in existence is in the course of being dissolved and signifies, its consent in such manner as the registrar requires.

Name of company and change of name.

(2) If a company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a company in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first-mentioned company may, with the sanction of the registrar, change its name.

(3) A company shall not be registered by a name which contains any of the following words, namely,—"Maharaja" "Royal," or words expressing or implying the sanction, approval or patronage of the Government, except where the Government signifies its consent to the use of such words as part of the name of the company by order in writing under the hand of one of the Secretaries to Government.

(4) Any company may, by special resolution and subject to the approval of the Government signified in writing, under the hand of one of the Secretaries to the Government, change its name.

(5) Where a company changes its name, the registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case. On the issue of such a certificate, the change of name shall be complete.

(6) The change of name shall not affect any rights or obligations of the company, or render defective any legal proceedings by or against the company; and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

12. (1) Subject to the provisions of this Regulation, a company may, by special resolution, alter the provisions of its memorandum with respect to the objects of the company, so far as may be required to enable it—

Alteration of memorandum.

(*a*) to carry on its business more economically or more efficiently; or

(*b*) to attain its main purpose by new or improved means; or

(*c*) to enlarge or change the local area of its operations; or

(*d*) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company; or

(*e*) to restrict or abandon any of the objects specified in the memorandum.

(2) The alteration shall not take effect until and except in so far as it is confirmed by the Court on petition.

(3) Before confirming the alteration, the Court must be satisfied—

(*a*) that sufficient notice has been given to every holder of debentures of the company, and to any persons or class of persons whose interests will, in the opinion of the Court, be affected by the alteration; and

(*b*) that, with respect to every creditor who in the opinion of the Court is entitled to object, and who signifies his objection in manner directed by the Court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the Court:

Provided that the Court may, in the case of any person or class, for special reasons, dispense with the notice required by this section.

13. The Court may make an order confirming the alteration either wholly or in part, and on such terms and conditions as it things fit, and may make such order as to costs as it thinks proper.

Power of Court when confirming alteration.

14. The Court shall, in exercising its discretion under sections 12 and 13, have regard to the rights and interests of the members of the company or of any class of them, as well as to the rights and interest of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the Court for the purchase of the interests of dissentient members; and may give such directions and make such orders as it may think expedient for facilitating or carrying into effect any such arrangement:

Exercise of discretion by Court.

Provided that no part of the capital of the company may be expended in any such purchase.

15. (1) A certified copy of the order confirming the alteration, together with a printed copy of the memorandum as altered, shall, within three months from the date of the order, be filed by the company with the registrar, and he shall register the same, and shall certify the registration under his hand, and the certificate shall be conclusive evidence that all the requirements of this Regulation with respect to the alteration and the confirmation thereof have been complied with, and thence forth the memorandum so altered shall be the memorandum of the company.

Procedure on confirmation of the alteration.

(2) The Court may by order at any time extend the time for the filing of documents with the registrar under this section for such period as the Court thinks proper.

16. No such alteration shall have any operation until registration thereof has been duly effected in accordance with the provisions of section 15, and if such registration is not effected within three months next after the date of the order of the Court confirming the alteration, or within such further time as may be allowed by the Court in accordance with the provisions of section 15, such alteration and order and all proceedings connected therewith shall, at the expiration of such period of three months or such further time, as the case may be, become absolutely null and void:

Effect of failure to register within three months.

Provided that the Court may, on sufficient cause shown, revive the order on application made within a further period of one month.

Articles of Association.

17. (1) There may, in the case of a company limited by shares, and there shall, in the case of a company limited by guarantee or unlimited, be registered with the memorandum, articles of association signed by the subscribers to the memorandum and prescribing regulations for the company.

Registration of articles.

(2) Articles of association may adopt all or any of the regulations contained in Table A in the First Schedule.

(3) In the case of an unlimited company or a company limited by guarantee, the articles, if the company has a share capital, shall state the amount of share capital with which the company purposes to be registered.

(4) In the case of an unlimited company or a company limited by guarantee, if the company has not a share capital, the articles shall state the number of members with which the company proposes to be registered, for the purpose of enabling the registrar to determine the fees payable on registration.

18. In the case of a company limited by shares and registered after the commencement of this Regulation, if articles are not registered, or, if articles are registered, in so far as the articles do not exclude or modify the regulations in Table A in the First Schedule, those regulations shall, so far as applicable, be the regulations of the company in the same manner and to the same extent as if they were contained in duly registered articles.

Application of Table A.

Form and signature of articles.

19. Articles shall—

(a) be printed;

(b) be divided into paragraphs numbered consecutively; and

(c) be signed by each subscriber of the memorandum of association in the presence of at least one witness who must attest the signature.

Alteration of articles by special resolution.

20. Subject to the provisions of this Regulation and to the conditions contained in its memorandum, a company may by special resolution alter or add to its articles; and any alteration or addition so made shall be as valid as if originally contained in the articles, and be subject in like manner to alteration by special resolution.

General Provisions.

Effect of memorandum and articles.

21. (1) The memorandum and articles shall, when registered, bind the company and the members thereof to the same extent as if they respectively had been signed by each member and contained a covenant on the part of each member, his heirs, and legal representatives, to observe all the provisions of the memorandum and of the articles, subject to the provisions of this Regulation.

(2) All money payable by any member to the company under the memorandum or articles shall be a debt due from him to the company.

Registration of memorandum and articles.

22. The memorandum and the articles (if any) shall be filed with the registrar who shall retain and register them.

Effect of registration.

23. (1) On the registration of the memorandum of a company, the registrar shall certify under his hand that the company is incorporated, and in the case of a limited company that the company is limited.

(2) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the memorandum, together with such other persons as may from time to time become members of the company, shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the company in the event of its being wound up as is mentioned in this Regulation.

Conclusiveness of certificate of incorporation.

24. (1) A certificate of incorporation given by the registrar in respect of any association shall be conclusive evidence that all the requirements of this Regulation in respect of registration and of matters precedent and incidental thereto have been complied with, and that the association is a company anthorised to be registered and duly registered under this Regulation.

(2) A declaration by an advocate, entitled to appear before a Chief Court who is engaged in the formation of a company, or by a person named in the articles as a director, manager or secretary of the company, of compliance with all or any of the said requirements shall be filed with the registrar, and the registrar may accept such a declaration as sufficient evidence of compliance.

Copies of memorandum and articles to be given to members.

25. (1) Every company shall send to every member, at his request, and on payment of one rupee or such less sum as the company may prescribe, a copy of the memorandum and of the articles (if any).

(2) If a company makes default in complying with the requirements of this section, it shall be liable for each offence to a fine not exceeding ten rupees.

Associations not for Profit.

Power to dispense with "Limited" in name of charitable and other companies.

26. (1) Where it is proved to the satisfaction of the Government that an association capable of being formed as a limited company has been or is about to be formed for promoting commerce, art, science, charity, or any other useful object, and applies or intends to apply its profits (if any) or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Government may, by license under the hand of one of its Secretaries, direct that the association be registered as a company with limited liability, without the addition of the word "Limited" to its name, and the association may be registered accordingly.

(2) A license by the Government under this section may be granted on such conditions and subject to such regulations as the Government thinks fit, and those conditions and regulations shall be binding on the association, and shall, if the Government so directs, be inserted in the memorandum and articles, or in one of those documents.

(3) The association shall on registration enjoy all the privileges of limited companies, and be subject to all their obligations, except those of using the word "Limited" as any part of its name and of publishing its name, and of filing lists of members and directors and managers with registrar.

(4) A license under this section may at any time be revoked by the Government, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the association upon the register, and the association shall cease to enjoy the exemptions and privileges granted by this section:

Provided that, before a license is so revoked, the Government shall give to the association notice in writing of its intention, and shall afford the association an opportunity of submitting a representation in opposition to the revocation.

Companies limited by Guarantee.

Provision as to companies limited by guarantee.

27. (1) In the case of a company limited by guarantee and not having a share capital, and registered after the commencement of this Regulation, every provision in the memorandum or articles or in any resolution of the company purporting to give any person a right to participate in the divisible profit of the company otherwise than as a member shall be void.

(2) For the purpose of the provisions of this Regulation relating to the memorandum of a company limited by guarantee and of this section, every provision in the memorandum or articles, or in any resolution, of any company limited by guarantee and registered after the commencement of this Regulation, purporting to divide the undertaking of the company into shares or interests, shall be treated as a provision for a share capital, notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

PART III.

SHARE CAPITAL, REGISTRATION OF UNLIMITED COMPANY AS LIMITED, AND UNLIMITED LIABILITY OF DIRECTORS.

Distribution of Share Capital.

Nature of shares.

28. (1) The shares or other interest of any member in a company shall be moveable property, transferable in manner provided by the articles of the company.

(2) Each share in a company having a share capital shall be distinguished by its appropriate number.

29. A certificate, under the common seal of the company, specifying any shares or stock held by any member, shall be *prima facie* evidence of the title of the member to the shares or stock therein specified.

Certificate of shares or stock.

30. (1) The subscribers of the memorandum of a company shall be deemed to have agreed to become members of the company, and on its registration shall be entered as members in its register of members.

Definition of "member."

(2) Every other person who agrees to become a member of a company, and whose name is entered in its register of members, shall be a member of the company.

31. (1) Every company shall keep in one or more books a register of its members, and enter therein the following particulars :—

Register of members.

(*i*) the names and addresses, and the occupations, if any, of the members, and, in the case of a company having a share capital, a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member ;

(*ii*) the date at which each person was entered in the register as a member ;

(*iii*) the date at which any person ceased to be a member.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues ; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

32. (1) Every company having a share capital shall once at least in every year make a list of all persons who, on the day of the first or only ordinary general meeting in the year, are members of the company, and of all persons who have ceased to be members since the date of the last return or (in the case of the first return) of the incorporation of the company.

Annual list of members and summary.

(2) The list shall state the names, addresses, and occupations of all the past and present members therein mentioned, and the number of shares held by each of the existing members at the date of the return, specifying shares transferred since the date of the last return or (in the case of the first return) of the incorporation of the company by persons who are still members and persons who have ceased to be members respectively and the dates of registration of the transfers, and shall contain a summary distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars :—

(*a*) the amount of the share capital of the company, and the number of the shares into which it is divided ;

(*b*) the number of shares taken from the commencement of the company up to the date of the return ;

(*c*) the amount called up on each share ;

(*d*) the total amount of calls received ;

(*e*) the total amount of calls unpaid ;

(*f*) the total amount of the sums (if any) paid by way of commission in respect of any shares or debentures, or allowed by way of discount in respect of any debentures, since the date of the last return ;

(*g*) the total number of shares forfeited ;

(*h*) the total amount of shares or stock for which share-warrants are outstanding at the date of the last return ;

(*i*) the total amount of share-warrants issued and surrendered respectivey since the date of the return ;

(*k*) the number of shares or amount of stock comprised in each share-warrant;

(*l*) the names and addresses of the persons who at the date of the return are the directors of the company and of the persons (if any) who at the said date are the managers of the company; and

(*m*) the total amount of debt due from the comany in respect of all mortgages and charges which are required to be registered with the registrar under this Regulation.

(3) The abovementioned list and summary shall be contained in a separate part of the register of members, and shall be completed within seven days after the day of the first or only ordinary general meeting in the year, and the company shall forthwith file with the registrar a copy signed by a director, manager or secretary of the company, together with the certificate from such director or by the manager or the secretary that the list and summary state the facts as they stood on the day aforesaid.

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Trusts not to be entered on register.

33. No notice of any trust, expressed, implied or constructive, shall be entered on the register, or be receivable by the registrar.

Registration of transfer at request of transferor.

34. On the application of the transferor of any share or interest in a company, the company shall enter in its register of members the names of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

Transfer by legal representative.

35. A transfer of the share or other interest of a deceased member of a company made by his legal representative shall, although the legal representative is not himself a member, be as valid as if he had been a member at the time of the execution of the instrument of transfer.

Inspection of register of members.

36. (1) The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company, and, except when closed under the provisions of this Regulation, shall during business hours (subject to such reasonable restrictions, as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member gratis, and to the inspection of any other person on payment of one rupee, or such less sum as the company may prescribe, for each inspection.

(2) Any member or other person may require a copy of the register, or of any part thereof, or of the list and summary required by this Regulation, or any part thereof, on payment of six annas for every hundred words or fractional part thereof required to be copied.

(3) If any inspection or copy required under this section is refused, the company shall be liable for each refusal to a fine not exceeding twenty rupees and to a further fine not exceeding twenty rupees for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall be liable to the like penalty, and the Court may by order compel an immediate inspection of the register.

Power to close register.

37. A company may, on giving notice by advertisement in some newspaper circulating in the district in which the registered office of the company is situate, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Power of Court to rectify register.

38. (1) If—

(*a*) the name of any person is fraudulently or without sufficient cause entered in or omitted from the register of members of a company; or

(*b*) default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member,

the person aggrieved, or any member of the company, or the company, may apply to the Court for rectification of the register.

(2) The Court may either refuse the application or may order rectification of the register and payment by the company of any damages sustained by any party aggrieved, and may make such order as to costs as it in its discretion thinks fit.

(3) On any application under this section the Court may decide any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members, or between members or alleged members on the one hand and the company on the other hand; and generally may decide any question necessary or expedient to be decided for rectification of the register:

Provided that the Court may direct an issue to be tried in which any question of law may be raised; and an appeal from the decision on such an issue shall lie in the manner directed by the Code of Civil Procedure, 1911, on the grounds mentioned in section 100 of that Code.

Notice to registrar of rectification of register.

39. In the case of a company required by this Regulation to file a list of its members with the registrar, the Court, when making an order for rectification of the register, shall, by its order, direct notice of the rectification to be filed with the registrar.

Register to be evidence.

40. The register of members shall be *primâ facie* evidence of any matters by this Regulation directed or authorised to be inserted therein.

Issue of share-warrants to bearer.

41. A company limited by shares, if so authorised by its articles, may, with respect to any fully paid-up shares, or to stock, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares or stock therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the shares or stock included in the warrant, in this Regulation termed a share-warrant.

Effect of share-warrant.

42. A share-warrant shall entitle the bearer thereof to the shares or stock therein specified, and the shares or stock may be transferred by delivery of the warrant.

Registration of name of bearer of share-warrant.

43. The bearer of a share-warrant shall, subject to the articles of the company, be entitled, on surrendering it for cancellation, to have his name entered as a member in the register of members; and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register the name of a bearer of a share-warrant in respect of the shares or stock therein specified without the warrant being surrendered and cancelled.

Position of bearer of share-warrant.

44. The bearer of a share-warrant may, if the articles of the company so provide, be deemed to be a member of the company within the meaning of this Regulation, either to the full extent or for any purposes defined in the articles, except that he shall not be qualified in respect of the shares or stock specified in the warrant for being a director or manager of the company, in cases where such a qualification is required by the articles.

Entries in register when share-warrant issued.

45. (1) On the issue of a share-warrant the company shall strike out of its register of members the name of the member then entered therein as holding the shares or stock specified in the warrant as if he had ceased to be a member, and shall enter in the register the following particulars, namely :—

(*i*) the fact of the issue of the warrant;

(*ii*) a statement of the shares or stock included in the warrant, distinguishing each share by its number; and

(*iii*) the date of the issue of the warrant.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully continues or permits the default shall be liable to the like penalty.

Surrender of share-warrant.

46. Until the warrant is surrendered, the above described particulars shall be deemed to be the particulars required by this Regulation to be entered in the register of members; and, on the surrender, the date of the surrender shall be entered as if it were the date at which a person ceased to be a member.

Power of company to arrange for different amounts being paid on shares.

47. A company, if so authorised by its articles, may do any one or more of the following things, namely :—

(1) make arrangements on the issue of shares for a difference between the shareholders in the amounts and times of payment of calls on their shares;

(2) accept from any member who assents thereto the whole or a part of the amount remaining unpaid on any shares held by him although no part of that amount has been called up;

(3) pay dividend in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others.

Power of company limited by shares to alter its share capital.

48. (1) A company limited by shares, if so authorised by its articles, may alter the conditions of its memorandum as follows (that is to say), it may—

(*a*) increase its share capital by the issue of new shares of such amount as it thinks expedient;

(*b*) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;

(*c*) convert all or any of its paid-up shares into stock and re-convert that stock into paid-up shares of any denomination;

(*d*) sub-divide its shares, or any of them, into shares of smaller amount than is fixed by the memorandum, so, however, that in the sub-division the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;

(*e*) cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled.

(2) The powers conferred by this section with respect to sub-division of shares must be exercised by special resolution.

(3) Where any alteration has been made under this section in the memorandum of a company, every copy of the memorandum issued after the date of the alteration shall be in accordance with the alteration.

(4) If a company makes default in complying with the requirements of sub-section (3), it shall be liable to a fine not exceeding ten rupees for each copy in respect of which default is made: and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(5) A cancellation of shares in pursuance of this section shall not be deemed to be a reduction of share capital within the meaning of this Regulation.

Notice to registrar of consolidation of share capital, conversion of shares into stock, etc.

49. (1) Where a company having a share capital has consolidated and divided its share capital into shares of larger amount than its existing shares or converted any of its shares into stock, or re-converted stock into shares, it shall, within fifteen days of the consolidation and division, conversion or re-conversion, file notice with the registrar of the same, specifying the share consolidated and divided, or converted, or the stock re-converted.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Effect of conversion of shares into stock.

50. Where a company having a share capital has converted any of its shares into stock, and filed notice of the conversion with the registrar, all the provisions of this Regulation which are applicable to shares only shall cease as to so much of the share capital as is converted into stock; and the register of members of the company, and the list of members to be filed with the registrar, shall show the amount of stock held by each member instead of the amount of shares and the particulars relating to shares hereinbefore required by this Regulation.

Notice of increase of share capital or of members.

51. (1) Where a company having a share capital, whether its shares have or have not been converted into stock, has increased its share capital beyond the registered capital, and where a company not having a share capital has increased the number of its members beyond the registered number, it shall file with the registrar, in the case of an increase of share capital, within fifteen days after the passing, or in the case of a special resolution, the confirmation, of the resolution authorising the increase, and in the case of an increase of members within fifteen days after the increase was resolved on or took place, notice of the increase of capital or members, and the registrar shall record the increase.

(2) If a company makes a default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Reorganization of share capital.

52. (1) A company limited by shares may, by special resolution confirmed by an order of the Court, modify the conditions contained in its memorandum so as to reorganize its share capital, whether by the consolidation of shares of different classes or by the division of its shares into shares of different classes:

Provided that no preference or special privilege attached to or belonging to any class of shares shall be interfered with except by resolution passed by a majority in number of shareholders of that class holding three-fourths of the share capital of that class and confirmed at a meeting of shareholders of that class in the same manner as a special resolution of the company is required to be confirmed, and every resolution so passed shall bind all shareholders of the class.

(2) Where an order is made under this section, a certified copy thereof shall be filed with the registrar within twenty-one days after the making of the order or within such further time as the Court may allow, and the resolution shall not take effect until such a copy has been so filed.

Reduction of Share Capital.

Reduction of share capital.

53. (1) No company limited by shares shall have power to buy its own shares unless the consequent reduction of capital is effected and sanctioned in manner hereinafter provided.

(2) Subject to confirmation by the Court, a company limited by shares, if so authorised by its articles, may by special resolution reduced its share capital in any way, and in particular (without prejudice to the generality of the foregoing power) may—

(*a*) extinguish or reduce the liability on any of its shares in respect of share capital not paid up; or

(*b*) either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets; or

(*c*) either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the company;

and may, if and so far as is necessary, alter its memorandum by reducing the amount of it share capital and of its shares accordingly.

(3) A special resolution under this section is in this Regulation called a resolution for reducing share capital.

Application to Court for confirming order.

54. Where a company has passed and confirmed a resolution for reducing share capital, it may apply by petition to the Court for an order confirming the reduction.

Addition to name of company of "and reduced."

55. On and from the confirmation by a company of a resolution for reducing share capital, or where the reduction does not involve either the diminution of any liability in respect of unpaid share capital, or the payment to any shareholder of any paid-up share capital, then on and from the presentation of the petition for confirming the reduction, the company shall add to its name, until such date as the Court may fix, the words "and reduced" as the last words in its name, and those words shall, until that date, be deemed to be part of the name of the company:

Provided that, where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, the Court may, if it thinks expedient, dispense altogether with the addition of the words "and reduced."

Objection by creditors, and settlement of list of objecting creditors.

56. (1) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital, or the payment to any shareholder of any paid-up share capital, and in any other case if the Court so direects, every creditor of the company who at the date fixed by the Court is entitled to any debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction.

(2) The Court shall settle a list of creditors so entitled to object, and for that purpose shall ascertain, as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction.

Power to dispense with consent of creditor on security being given for his debt.

57. Where a creditor entered on the list of creditors whose debt or claim is not discharged or determined does not consent to the reduction, the Court may, if it thinks fit, dispense with the consent of that creditor, on the company securing payment of his debt or claim by appropriating, as the Court may direct, the following amount (that is to say),—

(*i*) if the company admits the full amount of his debt or claim, or, though not admitting it, is willing to provide for it, then the full amount of the debt or claim;

(*ii*) if the company does not admit or is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not

ascertained, then an amount fixed by the Court after the like inquiry and adjudication as if the company were being wound up by the Court.

Order confirming reduction.

58. The Court, if satisfied, with respect to every creditor of the company who under this Regulation is entitled to object to the reduction, that either his consent to the reduction has been obtained or his debt or claim has been discharged or has been determined or has been secured, may make an order confirming the reduction on such terms and conditions as it thinks fit.

Registration of order and minute of reduction.

59. (1) The registrar on production to him of an order of the Court confirming the reduction of the share capital of a company, and on the filing with him of a certified copy of the order and of a minute (approved by the Court) showing, with respect to the share capital of the company as altered by the order, the amount of the share capital, the number of shares into which it is to be divided and the amount of each share, and the amount (if any) at the date of the registration deemed to be paid up on each share, shall register the order and minute.

(2) On the registration, and not before, the resolution for reducing share capital as confirmed by the order so registered shall take effect.

(3) Notice of the registration shall be published in such manner as the Court may direct.

(4) The registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requirements of this Regulation with respect to reduction of share capital have been complied with, and that the share capital of the company is such as is stated in the minute.

Minute to form part of memorandum.

60. (1) The minute when registered shall be deemed to be substituted for the corresponding part of the memorandum of the company, and shall be valid and alterable as if it had been originally contained therein, and shall be embodied in every copy of the memorandum issued after its registration.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding ten rupees for each copy in respect of which default is made, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Liability of members in respect of reduced shares.

61. (1) A member of the company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount paid, or (as the case may be) the reduced amount, if any, which is deemed to have been paid, on the share and the amount of the share as fixed by the minute:

Provided that, if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim entered on the list of creditors, and, after the reduction, the company is unable, within the meaning of the provisions of this Regulation with respect to winding up by the Court, to pay the amount of his debt or claim, then—

(*i*) every person who was a member of the company at the date of the registration of the order for reduction and minute, shall be liable to contribute for the payment of that debt, or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day before that registration; and

(*ii*) if the company is wound up, the Court, on the application of any such creditor and proof of his ignorance as aforesaid, may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding up.

(2) Nothing in this section shall affect the rights of the contributories among themselves.

Penalty on concealment of name of creditor.

62. If any officer of the company wilfully conceals the name of any creditor entitled to object to the reduction or wilfully misrepresents the nature or amount of the debt or claim of any creditor, or if any officer of the company abets any such concealment or misrepresentation as aforesaid, every such officer shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

Publication of reasons for reduction.

63. In any case of reduction of share capital, the Court may require the company to publish as the Court directs the reasons for reduction, or such other information in regard thereto as the Court may think expedient with a view to give proper information to the public, and, if the Court thinks fit, the causes which led to the reduction.

Increase and reduction of share capital in case of a company limited by guarantee having a share capital.

64. A company limited by guarantee and registered after the commencement of this Regulation may, if it has a share capital and is so authorised by its articles, increase or reduce its share capital in the same manner and subject to the same conditions in and subject to which a company limited by shares may increase or reduce its share capital under the provisions of this Regulation.

Registration of Unlimited Company as Limited.

Registration of unlimited company as limited.

65. (1) Subject to the provisions of this section, any company registered as unlimited may register under this Regulation, as limited, or any company already registered as a limited company may re-register under this Regulation, but the registration of an unlimited company as a limited company shall not affect any debts, liabilities, obligations or contracts incurred or entered into by, to, with or on behalf of, the company before the registration, and those debts, liabilities, obligations and contracts may be enforced in manner provided by Part VIII of this Regulation in the case of a company registered in pursuance of that Part.

(2) On registration in pursuance of this section, the registrar shall close the former registration of the company, and may dispense with the delivery to him of copies of any documents with copies of which he was furnished on the occasion of the original registration of the company; but save as aforesaid, the registration shall take place in the same manner and shall have effect as if it were the first registration of the company under this Regulation.

Power of unlimited company to provide for reserve share capital on re-registration.

66. An unlimited company having a share capital may, by its resolution for registration as a limited company in pursuance of this Regulation do either or both of the following things, namely:—

(*a*) increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the amount by which its capital is so increased shall be capable of being called up except in the event and for the purposes of the company being wound up;

(*b*) provide that a specified portion of its uncalled share capital shall not be capable of being called up except in the event and for the purposes of the company being wound up.

Reserve Liability of Limited Company.

Reserve liability of limited company.

67. A limited company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up, except in the event and for the purposes of the company being wound

up, and thereupon that portion of its share capital shall not be capable of being called up except in the event and for the purposes aforesaid.

Unlimited Liability of Directors.

Limited company may have directors with unlimited liability.

68. (1) In a limited company the liability of the directors or of any director may, if so provided by the memorandum, be unlimited.

(2) In a limited company in which the liability of any director is unlimited, the directors of the company (if any) and the member who proposes a person for election or appointment to the office of director shall add to that proposal a statement that the liability of the person holding that office will be unlimited and the promoters and officers of the company, or one of them, shall, before the person accepts the office or acts therein, give him notice in writing that his liability will be unlimited.

(3) If any director or proposer makes default in adding such a statement, or if any promoter or officer of the company makes default in giving such a notice, he shall be liable to a fine not exceeding one thousand rupees aud shall also be liable for any damage which the person so elected or appointed may sustain from the default, but the liability of the person elected or appointed shall not be affected by the default.

Special resolution of limited company making liability of directors unlimited.

69. (1) A limited company, if so authorised by its articles, may, by special resolution, alter its memorandum so as to render unlimited the liability of its directors or of any director.

(2) Upon the confirmation of any such special resolution, the provisions thereof shall be as valid as if they had been originally contained in the memorandum, and a copy thereof shall be embodied in or annexed to every copy of the memorandum issued after the confirmation of the resolution.

(3) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding ten rupees for each copy in respect of which default is made; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

PART IV.

MANAGEMENT AND ADMINISTRATION.

Office and Name.

Registered office of company.

70. (1) Every company shall have a registered office to which all communications and notices may be addressed.

(2) Notice in writing of the situation of the registered office, and of any change therein, shall be filed with the registrar who shall record the same.

(3) If a company carries on business without complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which it so carries on business.

Publication of name by a limited company.

71. Every limited company—

(*a*) shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on, in a conspicuous position, in letters easily legible and in English or Kannada characters;

(*b*) shall have its name engraven in legible characters on its seal;

(*c*) shall have its name mentioned in legible English or Kannada characters in all bill-heads and letter paper and in all notices, advertisements

and other official publications of the company, and in all bills of exchange, hundis, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, receipts and letters of credit of the company.

Penalties for non-publication of name.

72. (1) If a limited company does not paint or affix, and keep painted or affixed, its name in manner directed by this Regulation, it shall be liable to a fine not exceeding fifty rupees for not so painting or affixing its name, and for every day during which its name is not so kept painted or affixed, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(2) If any officer of a limited company, or any person on its behalf, uses or authorises the use of any seal purporting to be a seal of the company whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any bill-head, letter paper, notice, advertisement or other official publication of the company, or signs or authorises to be signed on behalf of the company any bill of exchange, hundi, promissory note, endorsement, cheque or order for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt or letter of credit of the company wherein its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding five hundred rupees, and shall further be personally liable to the holder of any such bill of exchange, hundi, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the company.

Publication of authorised as well as subscribed and paid-up capital.

73. (1) Where any notice, advertisement or other official publication of a company contains a statement of the amount of the authorised capital of the company, such notice, advertisement or other official publication shall also contain a statement, in an equally prominent position and in equally conspicuous characters, of the amount of the capital which has been subscribed and the amount paid up.

(2) Any company which makes default in complying with the requirements of this section and every officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding one thousand rupees.

Meetings and Proceedings.

Annual general meeting.

74. (1) A general meeting of every company shall be held once at the least in every year, and not more than fifteen months after the holding of the last preceding general meeting, and, if not so held, the company and every officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding five hundred rupees.

(2) When default has been made in holding a meeting of the company in accordance with the provisions of this section, the Court may, on the application of any member of the company, call or direct the calling of a general meeting of the company.

Statutory meeting of company.

75. (1) Every company limited by shares and registered after the commencement of this Regulation shall, within a period of six months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company, which shall be called the statutory meeting.

(2) The directors shall, at least ten days before the day on which the meeting is held, forward a report (in this Regulation called "the statutory report") to every member of the company and to every other person entitled under this Regulation to receive it.

(3) The statutory report shall be certified by not less than two directors of the company or, where there are less than two directors, by the sole director and shall state—

(*a*) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of

shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(*b*) the total amount of cash received by the company in respect of all the shares allotted distinguished as aforesaid;

(*c*) an abstract of the receipts of the company whether from its share capital or from debentures, and of the payments made thereout, up to a date within seven days of the date of the report, exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout and particulars concerning the balance remaining in hand and an account or estimate of the preliminary expenses of the company;

(*d*) the names, addresses and descriptions of the directors, auditors (if any), managers (if any) and secretary of the company;

(*e*) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

(4) The statutory report shall, so far as it relates to the shares allotted by the company and to the cash received in respect of such shares and to the receipts and payments of the company on capital account, be certified as correct by the auditors (if any) of the company.

(5) The director shall cause a copy of the statutory report, certified as by this section required, to be filed with the registrar forthwith, after the sending thereof to the members of the company.

(6) Every director of the company who knowingly and wilfully authorises or permits a default in complying with the provisions of sub-section (2) or sub-section (5) shall be liable to a fine not exceeding twenty rupees for every day during which the default continues.

(7) The directors shall cause a list showing the names, descriptions and addresses of the members of the company, and the number of shares held by them respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any member of the company during the continuance of the meeting.

(8) The members of the company present at the meeting shall be at liberty to discuss any matters relating to the formation of the company, or arising out of the statutory report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the articles may be passed.

(9) The meeting may adjourn from time to time, and at any adjourned meeting, any resolution of which notice has been given in accordance with the articles, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

(10) If a petition is presented to the Court in manner provided by Part V for winding up the company on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may, instead of directing that the company be wound up, give directions for the statutory report to be filed or a meeting to be held, or make such other order as may be just.

(11) The provisions of this section as to the forwarding and filing of the statutory report shall not apply in the case of a private company.

Calling of extraordinary general meeting on requisition.

76. (1) Notwithstanding anything in the articles, the directors of a company which has a share capital shall, on the requisition of the holders of not less than one-tenth of the issued share capital of the company upon which all calls or other sums then due have been paid, forthwith proceed to call an extraordinary general meeting of the company.

(2) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the company, and may consist of several documents in like form, each signed by one or more requisitionists.

(3) If the directors do not proceed within twenty-one days from the date of the requisition being so deposited to cause a meeting to be called, the requisitionists, or a majority of them in value, may themselves call the meeting but in either case any meeting so called shall be held within three months from the date of the deposit of the requisition.

(4) If at any such meeting a resolution requiring confirmation at another meeting is passed, the directors shall forthwith call a further extraordinary general meeting for the purpose of considering the resolution and, if thought fit, of confirming it as a special resolution and, if the directors do not call the meeting within seven days from the date of the passing of the first resolution, the requisitionists, or a majority of them in value, may themselves call the meeting.

(5) Any meeting called under this section by the requisitionists shall be called in the same manner, as nearly as possible, as that in which meetings are to be called by directors.

Provision as to meetings and votes.

77. In default of, and subject to, any regulations in the articles,—

(*i*) a meeting of a company may be called by fourteen days' notice in writing, served on every member in manner in which notices are required to be served by Table A in the First Schedule;

(*ii*) five members may call a meeting;

(*iii*) any person elected by the members present at a meeting may be chairman thereof; and

(*iv*) every member shall have one vote.

Representation of companies at meetings of other companies of which they are members.

78. A company which is a member of another company may, by resolution of the directors, authorise any of its officials or any other person to act as its representative at any meeting of that other company and the person so authorised shall be entitled to exercise the same powers on behalf of the company which he represents as if he were an individual shareholder of that other company.

Extraordinary and special resolutions.

79. (1) A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three-fourths of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

(2) A resolution shall be a special resolution when it has been—

(*a*) passed in manner required for the passing of an extraordinary resolution; and

(*b*) confirmed by a majority of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a subsequent general meeting, of which notice has been duly given, and held after an interval of not less than fourteen days, nor more than one month, from the date of the first meeting.

(3) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a declaration of the chairman on a show of hands that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(4) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a poll may be demanded by three persons for the time being entitled according to the articles to vote, unless the articles of the company require a demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

(5) In a case where, if a poll is demanded, it may, in accordance with the articles, be taken in such manner as the chairman may direct, it may, if the chairman so directs, be taken at the meeting at which it is demanded.

(6) When a poll is demanded in accordance with this section, in computing the majority on the poll, reference shall be had to the number of votes to which each member is entitled by the articles of the company.

(7) For the purposes of this section notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in manner provided by the articles.

Registration and copies of special and extraordinary resolutions.

80. (1) A copy of every special and extraordinary resolution shall, within fifteen days, from the confirmation of the special resolution or from the passing of the extraordinary resolution, as the case may be, be printed or typewritten and filed with the registrar who shall record the same.

(2) Where articles have been registered, a copy of every special resolution for the time being in force shall be embodied in or annexed to every copy of the articles issued after the date of the resolution.

(3) Where articles have not been registered, a copy of every special resolution shall be forwarded in print to any member, at his request, on payment of one rupee or such less sum as the company may direct.

(4) If a company makes default in so filing with the registrar a copy of a special or extraordinary resolution, it shall be liable to a fine not exceeding twenty rupees for every day during which the default continues.

(5) If a company makes default in embodying in or annexing to a copy of its articles or in forwarding in print to a member, when required by this section, a copy of a special resolution, it shall be liable to a fine not exceeding ten rupees for each copy in respect of which default is made.

(6) Every officer of a company who knowingly and wilfully authorises or permits any default by the company in complying with the requirements of this section shall be liable to the like penalty as is imposed by this section on the company for that default.

Minutes of proceedings of meetings and directors.

81. (1) Every company shall cause minutes of all proceedings of general meetings and of its directors to be entered in books kept for that purpose.

(2) Any such minute, if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

(3) Until the contrary is proved, every general meeting of the company or meeting of directors in respect of the proceedings whereof minutes have been so made shall be deemed to have been duly called and held, and all proceedings had thereat to have been duly had, and all appointments of directors or liquidators shall be deemed to be valid.

Directors.

Directors obligatory.

82. (1) Every company registered after the commencement of this Regulation shall have at least two directors.

(2) This section shall not apply to a private company.

Appointment of directors.

83. In default of and subject to any regulations in the articles of a company other than a private company—

(*i*) the subscribers of the memorandum shall be deemed to be the directors of the company until the first directors shall have been appointed;

(*ii*) the directors of the company shall be appointed by the members in general meeting; and

(*iii*) any casual vacancy occurring among the directors may be filled up by the directors, but the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on

which the director in whose place he is appointed was last appointed a director.

Restrictions on appointment or advertisement of director.

84. (1) A person shall not be capable of being appointed director of a company by the articles, and shall not be named as a director or proposed director of a company in any prospectus issued by or on behalf of the company or in relation to any intended company or in any statement in lieu of prospectus filed by or on behalf of a company, unless before the registration of the articles or the publication of the prospectus, or the filing of the statement in lieu of prospectus, as the case may be, he has, by himself or by his agent authorised in writing—

(*i*) signed and filed with the registrar a consent in writing to act as such director; and

(*ii*) save in case of a company limited by guarantee and not having a share capital, either signed the memorandum for a number of shares not less than his qualification (if any), or signed and filed with the registrar a contract in writing to take from the company and pay for his qualification shares (if any).

(2) On the application for registration of the memorandum and articles of a company the applicant shall file with the registrar a list of the persons who have consented to be directors of the company, and, if this list contains the name of any person who has not so consented, the applicant shall be liable to a fine not exceeding five hundred rupees.

(3) This section shall not apply to a private company nor to prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business.

Qualification of director.

85. (1) Without prejudice to the restrictions imposed by section 84, it shall be the duty of every director who is by the articles required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the articles.

(2) The office of director of a company shall be vacated if the director does not, within two months from the date of his appointment, or within such shorter time as may be fixed by the articles, obtain his qualification, or if after the expiration of such period or shorter time he ceases at any time to hold his qualification; and a person vacating office under this section shall be incapable of being reappointed director of the company until he has obtained his qualification.

(3) If, after the expiration of the said period or shorter time, any unqualified person acts as a director of the company, he shall be liable to a fine not exceeding fifty rupees for every day between the expiration of the said period or shorter time and the last day on which it is proved that he acted as a director.

Validity of acts of directors.

86. The acts of a director shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification: Provided that nothing in this section shall be deemed to give validity to acts done by a director after the appointment of such director has been shown to be invalid.

List of directors to be sent to registrar.

87. (1) Every company shall keep at its registered office a register containing the names and addresses and the occupations of its directors, and file with the registrar a copy thereof, and from time to time file with the registrar notice of any change among its directors or managers.

(2) If default is made in complying with this section, the company shall be liable to a fine not exceeding fifty rupees for every day during which the default continues; and every officer of the company, who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Contracts.

Form of contract.

88. (1) Contracts on behalf of a company may be made as follows (that is to say) :—

(*i*) any contract which, if made between private persons, would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged;

(*ii*) any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the company by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(2) All contracts made according to this section shall be effectual in law, and shall bind the company and its successors and all other parties thereto, their heirs, or legal representatives, as the case may be.

Bills of exchange and promissory notes.

89. A bill of exchange, hundi or promissory note shall be deemed to have been made, drawn accepted or endorsed on behalf of a company if made, drawn, accepted or endorsed in the name of, or by or on behalf or on account of, the company by any person acting under its authority, express or implied.

Execution of deeds abroad.

90. A company may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in Mysore; and every deed signed by such attorney, on behalf of the company, and under his seal, where sealing is required, shall bind the company, and have the same effect as if it were under its common seal.

Power for company to have official seal for use abroad.

91. (1) A company whose objects require or comprise the transaction of business beyond the limits of Mysore may, if authorised by its articles, have for use in any territory, district or place not situate in Mysore, an official seal, which shall be a facsimile of the common seal of the company, with the addition on its face of the name of every territory, district or place where it is to be used.

(2) A company having such an official seal may, by writing under its common seal, authorise any person appointed for the purpose in any territory, district or place not situate in Mysore to affix the same to any deed or other document to which the company is party in that territory, district or place.

(3) The authority of any such agent shall, as between the company and any person dealing with the agent, continue during the period (if any) mentioned in the instrument conferring the authority, or if no period is there mentioned, then until notice of the revocation or determination of the agent's authority has been given to the person dealing with him.

(4) The person affixing any such official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

(5) A deed or other document to which an official seal is duly affixed shall bind the company as if it had been sealed with the common seal of the company.

Disclosure of interest by director.

92. (1) Every director who is directly or indirectly concerned or interested in any contract or arrangement entered into by or on behalf of the company shall disclose the nature of his interest at the meeting of the directors at which the contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest or the making of the contract or arrangement:

Provided that a general notice that a director is a member of any specified firm or company, and is to be regarded as interested in any subsequent transaction

with such firm or company, shall as regards any such transaction be sufficient disclosure within the meaning of this sub-section and after such general notice, it shall not be necessary to give any special notice relating to any particular transaction with such firm or company.

(2) Every director who contravenes the provisions of sub-section (1) shall be liable to a fine not exceeding one thousand rupees.

Prohibition of voting by interested director.

93. (1) No director shall, as a director, vote on any contract or arrangement in which he is either directly or indirectly concerned or interested; and if he does so vote, his vote shall not be counted:

Provided that the directors or any of them may vote on any contract of indemnity against any loss which they or any one or more of them may suffer by reason of becoming or being sureties or surety for the company.

(2) Every director who contravenes the provisions of sub-section (1) shall be liable to a fine not exceeding one thousand rupees.

Disclosure to members in case of contract appointing a manager.

94. (1) Where a company enters into a contract for the appoinment of a manager of the company in which contract any director of the company is directly or indirectly concerned or interested, or varies any such existing contract, the company shall send an abstract of the terms of such contract or variation, as the case may be, together with a memorandum clearly indicating the nature of the interest of the director in such contract, or in such variation, to every member; and the contract shall be open to the inspection of any member at the registered office of the company.

(2) If a company makes default in complying with the requirements of sub-section (1), it shall be liable to a fine not exceeding one thousand rupees; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Contracts by agents of company in which company is undisclosed principal.

95. (1) Every manager or other agent of a company other than a private company who enters into a contract for or on behalf of the company, in which contract the company is an undisclosed principal, shall, at the time of entering into the contract, make a memorandum in writing of the terms of the contract, and specify therein the person with whom it has been made.

(2) Every such manager or other agent shall forthwith deliver the memorandum aforesaid to the company, and such memorandum shall be filed in the office of the company and laid before the directors at the next directors' meeting.

(3) If any such manager or other agent makes default in complying with the requirements of this section—

(*a*) the contract shall, at the option of the company, be void as against the company; and

(*b*) such manager or other agent shall be liable to a fine not exceeding two hundred rupees.

Prospectus.

Filing of prospectus.

96. (1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the company, or by his agent authorised in writing, shall be filed for registration with the registrar on or before the date of its publication, and no such prospectus shall be issued until a copy thereof has been so filed for registration.

(3) The registrar shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this section.

(4) Every prospectus shall state on the face of it that a copy has been filed for registration as required by this section.

(5) If a prospectus is issued without a copy thereof being so filed, the company, and every person who is knowingly a party to the issue of the prospectus, shall be liable to a fine not exceeding fifty rupees for every day from the date of the issue of the prospectus until a copy thereof is so filed.

Specific requirements as to particulars of prospectus.

97. (1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, shall state—

(*a*) the contents of the memorandum, with the names, descriptions and addresses of the signatories and the number of shares subscribed for by them respectively; and the number of founders or management or deferred shares (if any) and the nature and extent of the interest of the holders in the property and profits of the company; and

(*b*) the number of shares (if any) fixed by the articles as the qualification of a director, and any provision in the articles as to the remuneration of the directors; and

(*c*) the names, descriptions and adresses of the directors or proposed directors and of the managers or proposed managers (if any); and

(*d*) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted, and the amount (if any) paid on the shares so allotted; and

(*e*) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or agreed to be issued; and

(*f*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares or debentures to the vendor, and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor: Provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors; and

(*g*) the amount (if any) paid or payable as purchase-money in cash, shares or debentures for any such property as aforesaid, specifying the amount (if any) payable for good will; and

(*h*) the amount (if any) paid within the two preceding years or payable, as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission: Provided that it shall not be necessary to state the commission payable to sub-underwriters; and

(*i*) the amount or estimated amount of preliminary expenses; and

(*j*) the amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment; and

(*k*) the dates of, and parties to, every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a

contract entered into in the ordinary course of the business carried on or intended to be carried on by the company or to any contract entered into more than two years before the date of issue of the prospectus; and

(*l*) the names and addresses of the auditors (if any) of the company; and

(*m*) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company; and

(*n*) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively.

(2) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary in the advertisement to specify the contents of the memorandum, or the signatories thereto, and the number of shares subscribed for by them.

(3) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe either for shares or for debentures of the company, whether with or without the right to renounce in favour of other persons.

(4) The requirements of this section as to the memorandum and the qualification, remuneration and interest of directors, the names, descriptions and addresses of directors or proposed directors, and of managers or proposed managers, and the amount or estimated amount of preliminary expenses shall not apply in the case of a prospectus issued more than one year after the date at which the company is entitled to commence business.

(5) Nothing in this section shall limit or diminish any liability which any person may incur under the general law or this Regulation apart from this section.

Meaning of "vendor" in section 97.

98. For the purposes of section 97 every person shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where—

(*a*) the purchase-money is not fully paid at the date of issue of the prospectus; or

(*b*) the purchase-money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(*c*) the contract depends for its validity or fulfilment on the result of that issue.

Application of section 97 to the case of property taken on lease.

99. Where any of the property to be acquired by the company is to be taken on lease, section 97 shall apply as if the expression "vendor" included the lessor, and the expression "purchase-money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

Invalidity of certain conditions as to waiver or notice.

100. Any conditions requiring or binding any applicant for shares or debentures to waive compliance with any requirements of section 97, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus, shall be void.

Saving in certain cases of noncompliance with section 97.

101. In the event of non-compliance with any of the requirements of section 97 a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, if he proves that—

(*a*) as regards any matter not disclosed, he was not cognisant thereof; or

(*b*) the non-compliance arose from an honest mistake of fact on his part:

Provided that, in the event of non-compliance with the requirements contained in clause (*m*) of sub-section (1) of section 97, no such director or other person shall incur any liability in respect of the non-compliance unless it be proved that he had knowledge of the matters not disclosed.

Obligations of companies where no prospectus is issued.

102. (1) A company which does not issue a prospectus on or with reference to its formation shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the registrar a statement in lieu of prospectus signed by every person who is named therein as a director or a proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the Second Schedule.

(2) This section shall not apply to a private company or to a company which has allotted any shares or debentures before the commencement of this Regulation or, in so far as it relates to the allotment of shares, to a company limited by guarantee and not having a share capital.

Restriction on alteration of terms mentioned in prospectus or statement in lieu of prospectus.

103. A company shall not, at any time, vary the terms of a contract referred to in the prospectus or statement in lieu of prospectus, except subject to the approval of the company in general meeting.

Liability for statements in prospectus.

104. (1) Where a prospectus invites persons to subscribe for shares in or debentures of a company every person who is a director of the company at the time of the issue of the prospectus, and every person who has authorised the naming of himself and is named in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time, and every promoter of the company, and every person who has authorised the issue of the prospectus, shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for all loss or damage they may have sustained by reason of any misleading or untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

(*a*) with respect to every misleading or untrue statement not purporting to be made on the authority of an expert or of a public official document or statement that he had reasonable ground to believe and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement fairly represented the facts or was true;

(*b*) with respect to every misleading or untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation: Provided that the director, person named as director, promoter or person who authorised the issue of the prospectus shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

(*c*) with respect to every misleading or untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document:

or unless it is proved—

(*i*) that having consented to become a director of the company he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent; or

(*ii*) that the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue, he forthwith gave a reasonable public notice that it was issued without his knowledge or consent; or

(*iii*) that after the issue of the prospectus and before allotment thereunder he, on becoming aware of any misleading or untrue statement therein withdrew his consent thereto, and gave reasonable public notice of the withdrawal and of the reasons therefor.

(2) Where a company existing at the commencement of this Regulation has issued shares or debentures, and for the purpose of obtaining further capital by subscriptions for shares or debentures issues a prospectus, a director shall not be liable in respect of any statement therein, unless he has authorised the issue of the prospectus, or has adopted or ratified it.

(3) Where the prospectus contains the name of a person as a director of the company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorised or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus was issued, and any other person who authorised the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any suit or legal proceedings brought against him in respect thereof.

(4) Every person who by reason of his being a director or named as a director, or as having agreed to become a director, or of his having authorised the issue of the prospectus, becomes liable to make any payment under this section, may recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

(5) For the purposes of this section—

(*a*) the expression "promoter" means a promoter who was a party to the preparation of the prospectus, or the portion thereof containing the misleading or untrue statement, but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company;

(*b*) the expression "expert" includes engineer, valuer, accountant and any other person whose profession gives authority to a statement made by him.

Allotment.

Restriction as to allotment.

105. (1) No allotment shall be made of any share capital of a company offered to the public for subscription, unless the following conditions have been complied with, namely:—

(*a*) the amount (if any) fixed by the memorandum or articles and named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named, then the whole amount of the share capital so offered for subscription,

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription, has been paid to and received in cash by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Regulation referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of one hundred and twenty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within one hundred and thirty days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of seven per cent per annum from the expiration of the one hundred and thirtieth day: Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except sub-section (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

(7) In the case of the first allotment of share capital payable in cash of a company which does not issue any invitation to the public to subscribe for its shares, no allotment shall be made unless the minimum subscription (that is to say),—

(*a*) the amount (if any) fixed by the memorandum or articles and named in the statement in lieu of prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named, the whole amount of the share capital other than that issued or agreed to be issued as fully or partly paid up otherwise than in cash;

has been subscribed and an amount not less than five per cent of the nominal amount of each share payable in cash has been paid to and received by the company.

(8) Sub-section (7) shall not apply to a private company or to a company which has allotted any shares or debentures before the commencement of this Regulation.

Effect of irregular allotment.

106. (1) An allotment made by a company to an applicant in contravention of the provisions of section 105 shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

(2) If any director of a company knowingly contravenes or permits or authorises the contravention of any of the provisions of section 105 with respect to allotment, he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby: Provided that proceedings to recover any such loss, damages or costs shall not be commenced after the expiration of two years from the date of the allotment.

Restrictions on commencement of business.

107. (1) A company shall not commence any business or exercise any borrowing powers unless—

(*a*) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and

(*b*) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription or, in the case of a company which does not issue a prospectus invit-

ing the public to subscribe for its shares, on the shares payable in cash ; and

(*c*) there has been filed with the registrar a duly verified declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with ; and

(*d*) in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, there has been filed with the registrar a statement in lieu of prospectus.

(2) The registrar shall, on the filing of a duly verified declaration, in accordance with the provisions of this section, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled :

Provided that, in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, the registrar shall not give such a certificate unless a statement in lieu of prospectus has been filed with him.

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures or the receipt of any money payable on application for debentures.

(5) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for the contravention shall, without prejudice to any other liability, be liable to a fine not exceeding five hundred rupees for every day during which the contravention continues.

(6) Nothing in this section shall apply to a private company, or to a company registered before the commencement of this Regulation, which does not issue a prospectus inviting the public to subscribe for its shares or, in so far as its provisions relate to shares, to a company limited by guarantee and not having a share capital.

Return as to allotment.

108. (1) Whenever a company having a share capital makes any allotment of its shares, the company shall, within one month thereafter,—

(*a*) file with the registrar a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees and the amount (if any) paid or due and payable on each share ; and

(*b*) in the case of shares allotted as fully or partly paid up otherwise than in cash, produce for the inspection and examination of the registrar a contract in writing constituting the title of the allottee to the allotment together with any contract of sale, or for services or other consideration in respect of which that allotment was made, such contracts being duly stamped, and file with the registrar copies verified in the prescribed manner of all such contracts and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) Where such a contract as above mentioned is not reduced to writing, the company, shall, within one month after the allotment, file with the registrar the prescribed particulars of the contract, stamped with the same stamp-duty as would have been payable if the contract had been reduced to writing, and these particulars shall be deemed to be an instrument within the meaning of the Mysore Stamp Regulation, 1900, and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section 31 of that Regulation.

(3) If default is made in complying with the requirements of this section, every officer of the company who is knowingly a party to the default shall be liable

to a fine not exceeding five hundred rupees for every day during which the default continues:

Provided that in case of default in filing with the registrar within one month after the allotment any document required to be filed by this section, the company, or any person liable for the default, may apply to the Court for relief, and the Court, if satisfied that the omission to file the document was accidental or due to inadvertence or that on other grounds it is just and equitable to grant relief, may make an order extending the time for the filing of the document for such a period as the Court may think proper.

Commissions and Discounts.

Power to pay certain commissions and prohibition of payment of all other commissions, discounts, etc.

109. (1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company if the payment of the commission is authorised by the articles, and the commission paid or agreed to be paid does not exceed the amount or rate so authorised, and if the amount or rate per cent of the commission paid or agreed to be paid is,—

(*a*) in the case of shares offered to the public for subscription, disclosed in the prospectus;

(*b*) in the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a statement in lieu of prospectus and filed with the registrar and where a circular or notice not being a prospectus inviting subscription for the shares is issued, also disclosed in that circular or notice.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally, for any shares of the company, or procuring, or agreeing to procure, subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay, and a vendor to, promoter of, or other person who receives payment in money or shares from, a company shall have, and shall be deemed always to have had, power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under this section.

Statement in balance sheet as to commissions and discounts.

110. Where a company has paid any sums by way of commission in respect of any shares or debentures, or allowed any sums by way of discount in respect of any debentures, the total amount so paid or allowed or so much thereof as has not been written off, shall be stated in every balance-sheet of the company until the whole amount thereof has been written off.

Payment of Interest out of Capital.

Power of company to pay interest out of capital in certain cases.

111. Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period the company may pay interest on so much of that share

capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work or building, or the provision of plant:

Provided that—

(1) no such payment shall be made unless the same is authorised by the articles or by special resolution;

(2) no such payment, whether authorised by the articles or by special resolution, shall be made without the previous sanction of the Government, which sanction shall be conclusive evidence, for the purposes of this section, that the shares of the company, in respect of which such sanction is given, have been issued for a purpose specified in this section;

(3) before sanctioning any such payment, the Government may, at the expense of the company, appoint a person to inquire and report to it as to the circumstances of the case, and may, before making the appointment, require the company to give security for the payment of the costs of the inquiry;

(4) the payment shall be made only for such period as may be determined by the Government; and such period shall in no case extend beyond the close of the half-year next after the half-year during which the works or buildings have been actually completed or the plant provided.

(5) the rate of interest shall in no case exceed four per cent per annum or such lower rate as the Government may, by notification in the official Gazette, prescribe;

(6) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid;

(7) the accounts of the company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate;

(8) nothing in this section shall affect any company to which the Mysore Tramways Regulation, 1906, applies.

Certificates of Shares, etc.

Limitation of time for issue of certificates.

112. (1) Every company shall, within three months after the allotment of any of its shares, debentures or debenture stock and, within three months after the registration of the transfer of any such shares, debentures or debenture stock, complete and have ready for delivery the certificates of all shares, the debentures, and the certificates of all debenture stock allotted or transferred, unless the conditions of issue of the shares, debentures or debenture stock otherwise provide.

(2) If default is made in complying with the requirements of this section, the company, and every officer of the company who is knowingly a party to the default, shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

Information as to Mortgages, Charges, etc.

Certain mortgages and charges to be void if not registered.

113. Every mortgage or charge created after the commencement of this Regulation by a company and being either—

(*a*) a mortgage or charge for the purpose of securing any issue of debentures; or

(*b*) a mortgage or charge on uncalled share capital of the company; or

(*c*) a mortgage or charge on any immoveable property wherever situate, or any interest therein: or

(*d*) a mortgage or charge on any book debts of the company; or

(*e*) a floating charge on the undertaking or property of the company;

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge together with the instrument (if any) by which the mortgage or charge is created or evidenced, or a copy thereof verified in the prescribed manner, are filed with the registrar for registration in manner required by this Regulation within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and when a mortgage or charge becomes void under this section, the money secured thereby shall immediately become payable:

Provided that,—

(*i*) in the case of a mortgage or charge created out of Mysore, comprising solely property situate outside Mysore, twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in Mysore shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be filed with the registrar; and

(*ii*) where the mortgage or charge is created in Mysore but comprises property outside Mysore, the instrument creating or purporting to create the mortgage or charge, or a copy thereof verified in the prescribed manner, may be filed for registration, notwithstanding that further proceedings may be necessary to make the mortgage or charge valid or effectual according to the law of the country in which the property is situate;

(iii) where a negotiable instrument has been given to secure the payment of any book debts of a company, the deposit of the instrument for the purpose of securing an advance to the company shall not, for the purposes of this section, be treated as a mortgage or charge on those book debts; and

(iv) the holding of debentures entitling the holder to a charge on immoveable property shall not be deemed to be an interest in immoveable property.

Particulars in case of series of debentures entitling holders *pari passu*.

114. Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture-holders of that series are entitled *pari passu* is created by a company, it shall be sufficient for the purposes of section 113 if there are filed with the registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the execution of any debentures of the series, the following particulars:—

(*a*) the total amount secured by the whole series; and

(*b*) the dates of the resolutions authorising the issue of the series and the date of the covering deed (if any) by which the security is created or defined; and

(*c*) a general description of the property charged; and

(d) the names of the trustees (if any) for the debenture-holders;

together with the deed or a copy thereof verified in the prescribed manner containing the charge, or if there is no such deed, one of the debentures of the series, and the registrar shall, on payment of the prescribed fee, enter those particulars in the register:

Provided that, where more than one issue is made of debentures in the series, there shall be filed with the registrar for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

115. Where any commission, allowance or discount has been paid or made either directly or indirectly by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procurring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be filed for registration under sections 113 and 114 shall include particulars as to the amount or rate per cent of the commission, discount or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued:

Particulars in case of commission, etc., on debentures.

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

116. (1) The registrar shall keep, with respect to each company, a register in the prescribed form of all the mortgages and charges created by the company after the commencement of this Regulation and requiring registration under section 113 and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged and the names of the mortgagees or persons entitled to the charge.

Register of mortgages and charges.

(2) After making the entry required by sub-section (1), the registrar shall return the instrument (if any) or the verified copy thereof, as the case may be, filed in accordance with the provisions of section 113 or section 114 to the person filing the same.

(3) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee, not exceeding one rupee for each inspection.

117. The registrar shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the mortgages or charges registered with him under this Regulation.

Index to register of mortgages and charges.

118. The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of section 113 stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of sections 113 to 116 as to registration have been complied with.

Certificate of registration.

119. The company shall cause a copy of every certificate of registration, given under section 118, to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered:

Endorsement of certificate of registration on debenture or certificate of debenture stock.

Provided that nothing in this section shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge so given to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created.

120. (1) It shall be the duty of the company to file with the registrar, for registration, the prescribed particulars of every mortgage or charge created by the company and of the issues of debentures of a series requiring registration under section 113, but registration of any such mortgage or charge may be effected on the application of any person interested therein.

Duty of company and right of interested party as regards registration.

(2) Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

121. Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under section 113 to be kept at the registered office of the company: Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

Copy of instrument creating mortgage or charge to be kept at registered office.

122. (1) If any person obtains an order for the appointment of a receiver of the property of a company, or appoints such a receiver under any powers contained in any instrument, he shall, within fifteen days from the date of the order or of the appointment under the powers contained in the instrument file notice of the fact with the registrar, and the registrar shall, on payment of the prescribed fee, enter the fact in the register of mortgages and charges.

Registration of appointment of receiver.

(2) If any person makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

123. (1) Every receiver of the property of a company who has been appointed under the powers contained in any instrument, and who has taken possession, shall once in every half-year while he remains in possession, and also on ceasing to act as receiver, file with the registrar an abstract, in the prescribed form, of his receipts and payments during the period to which the abstract relates, and shall also, on ceasing to act as receiver, file with the registrar notice to that effect, and the registrar shall enter the notice in the register of mortgages and charges.

Filing of accounts of receivers.

(2) Every receiver who makes default in complying with the provisions of this section shall be liable to a fine not exceeding five hundred rupees.

124. The Court, on being satisfied that the omission to register a mortgage or charge within the time required by section 113 or that the omission or misstatement of any particular with respect to any such mortgage or charge, was accidental or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or share-holders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the Court just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or misstatement be rectified, and may make such order as to the costs of the application as it thinks fit.

Rectification of register of mortgages.

125. The registrar may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall, if required, furnish the company with a copy thereof.

Entry of satisfaction.

126. (1) If any company makes default in filing with the registrar for registration the particulars—

Penalties.

(*a*) of any mortgage or charge created by the company; or

(*b*) of the issues of debentures of a series,

requiring registration with the registrar under the foregoing provisions of this Regulation, then, unless the registration has been effected on the application of some other person, the company, and every officer of the company or other person who is knowingly a party to the default, shall, on conviction, be liable to a fine not exceeding five hundred rupees for every day during which the default continues.

(2) Subject as aforesaid, if any company makes default in complying with any of the requirements of this Regulation as to the registration with the registrar of any mortgage or charge created by the company, the company, and every officer of the company who knowingly and wilfully authorises or permits the default shall, without prejudice to any other liability, be liable on conviction to a fine not exceeding one thousand rupees.

(3) If any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock requiring registration with the registrar under the foregoing provisions of this Regulation without a copy of the certificate of registration being endorsed upon it, he shall, without prejudice to any other liability, be liable on conviction to a fine not exceeding one thousand rupees.

Company's register of mortgages.

127. (1) Every limited company shall keep a register of mortgages and enter therein all mortgages and charges specifically affecting property of the company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge and (except in the case of security to bearer) the names of the mortgagees or persons entitled thereto.

(2) If any director, manager or other officer of the company knowingly and wilfully authorises or permits the omission of any entry required to be made in pursuance of this section, he shall be liable to a fine not exceeding five hundred rupees.

Right to inspect copies of instrument creating mortgages and charges, and company's register of mortgages.

128. (1) The copies kept at the registered office of the company in pursuance of section 121 of instruments creating any mortgage or charge requiring registration under this Regulation with the registrar, and the register of mortgages kept in pursuance of section 127 shall be open at all reasonable times to the inspection of any creditor or member of the company without fee, and the register of mortgages shall also be open to the inspection of any other person on payment of such fee, not exceeding one rupee for each inspection, as the company may prescribe.

(2) If inspection of the said copies or register is refused, the company shall be liable to a fine not exceeding fifty rupees and a further fine not exceeding twenty rupees for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall incur the like penalty, and in addition to the above penalty, the Court may by order compel an immediate inspection of the copies or register.

Right to inspect the register of debenture-holders and to have copies of trust deed.

129. (1) Every register of holders of debentures of a company shall, except when closed in accordance with the articles during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the articles, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company may in general meeting impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of the register or any part thereof on payment of six annas for every one hundred words or fractional part thereof required to be copied.

(2) A copy of any trust-deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust-deed of the sum of one rupee or such less sum as may be prescribed by the company, or, where the trust-deed has not been printed, on ment of six annas for every one hundred words or fractional part thereof required to be copied.

(3) If inspection is refused, or a copy is refused or not forwarded, the compayany shall be liable to a fine not exceeding fifty rupees and to a further fine not exceeding twenty rupees for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall incur the like penalty, and the Court may by order compel an immediate inspection of the register.

Debentures and Floating Charges.

Perpetual debentures.

130. A condition contained in any debentures or in any deed for securing any debentures, whether issued or executed before or after the passing of this Regulation, shall not be invalid by

reason only that thereby the debentures are made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long.

Power to re-issue redeemed debentures in certain cases.

131. (1) Where either before or after the commencement of this Regulation a company has redeemed any debentures previously issued, the company, unless the articles or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns), shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power, the company shall have power, and shall be deemed always to have had power, to re-issue the debentures, either by re-issuing the same debentures or by issuing other debentures in their place, and upon such re-issue, the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue, they have, either before or after the commencement of this Regulation, been transferred to a nominee of the company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a company has, either before or after the commencement of this Regulation, deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to, or deemed to have been possessed by, a company, whether the re-issue or issue was made before or after the commencement of this Regulation shall be treated as the issue of a new debenture for the purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued:

Provided that any person lending money on the security of a debenture re-issued under this section, which appears to be duly stamped, may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp-duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp-duty and penalty.

(5) Nothing in this section shall prejudice—

(*a*) the operation of any decree or order of a Court of competent jurisdiction pronounced or made before the commencement of this Regulation, as between the parties to the proceedings in which the decree or order was made, and any appeal from any such decree or order shall be decided as if this Regulation had not been passed; or

(*b*) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the same.

Specific performance of contract to subscribe for debentures.

132. A contract with a company to take up and pay for any debentures of the company may be enforced by a decree for specific performance.

Payments of certain debts out of assets subject to floating charge in priority to claims under the charge.

133. (1) Where either a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture-holders of any property comprised in or subject to the charge, then if the company is not at the time in course of being wound up, the debts which in every

winding up are under the provisions of Part V relating to preferential payments to be paid in priority to all other debts, shall be paid forthwith out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures.

(2) The periods of time mentioned in the said provisions of Part V shall be reckoned from the date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be.

(3) Any payments made under this section shall be recouped, as far as may be, out of the assets of the company available for payment of general creditors.

Statements, Books and Accounts.

Company to keep proper books of account.

134. Every company shall keep proper books of account in which shall be entered full true and complete accounts of the affairs and transactions of the company.

Annual balance-sheet.

135. (1) Every company shall, once at least in every year and at intervals of not more than fifteen months, cause the accounts of the company to be balanced and a balance-sheet to be prepared.

(2) The balance-sheet shall be audited by the auditor of the company as hereinafter provided, and the auditor's report shall be attached thereto, or there shall be inserted at the foot thereof a reference to the report, and the report shall be read before the company in general meeting and shall be open to inspection by any member of the company.

(3) Every company other than a private company shall send a copy of such balance-sheet so audited to the registered address of every member of the company at least seven days before the meeting at which it is to be laid before the members of the company, and shall deposit a copy at the registered office of the company for the inspection of the members of the company during a period of at least seven days before the meeting.

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding one thousand rupees, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Contents of balance-sheet.

136. (1) The balance-sheet shall contain a summary of the property and assets and of the capital and liabilities of the company giving such particulars as will disclose the general nature of those liabilities and assets and how the value of the fixed assets has been arrived at.

(2) The balance-sheet shall be in the form marked F in the third schedule or as near thereto as circumstances admit.

Authentication of balance-sheet.

137. (1) Save as provided by sub-section (2) the balance-sheet shall,—

(*i*) in the case of a banking company, be signed by the manager (if any) and, where there are more than three directors of the company, by at least three of those directors and, where there are not more than three directors, by all the directors;

(*ii*) in the case of any other company, be signed by two directors or, when there are less than two directors, by the sole director and by the manager (if any) of the company.

(2) When the total number of directors of the company for the time being in Mysore is less than the number of directors whose signatures are required by sub-section (1), then the balance-sheet shall be signed by all the directors for the time being in Mysore, or, if there is only one director for the time being in Mysore, by such director, but in such a case there shall be subjoined to the balance-sheet a statement signed by such directors or director explaining the reason for non-compliance with the provisions of sub-section (1).

(3) If any copy of a balance-sheet which has not been signed as required by this section is issued, circulated or published, the company and every officer of the company who is knowingly a party to the default shall be punishable with fine which may extend to five hundred rupees.

Copy of balance-sheet and auditor's report to be forwarded to the registrar.

138. (1) After the balance-sheet has been laid before the company, at the general meeting, a copy thereof signed by the manager or secretary of the company shall be filed with the registrar at the same time as the copy of the annual list of members and summary prepared in accordance with the requirements of section 32.

(2) If the general meeting before which a balance-sheet is laid does not adopt the balance-sheet, a statement of that fact and of the reasons therefor shall be annexed to the balance-sheet and to the copy thereof required to be filed with the registrar.

(3) This section shall not apply to a private company.

(4) If a company makes default in complying with the requirements of this section, the company and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty as is provided by section 32 for a default in complying with the provisions of that section.

Right of member of company to copies of the balance-sheet and the auditor's report.

139. Save as otherwise provided in this Regulation, any member of a company shall be entitled to be furnished with copies of the balance-sheet and the auditor's report at a charge not exceeding six annas for every hundred words or fractional part thereof.

Statement to be published by Banking and certain other Companies.

Certain companies to publish statement in schedule.

140. (1) Every company being a limited banking company or an insurance company or a deposit, provident or benefit society shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked G in the Third Schedule, or as near thereto as circumstances will admit.

(2) A copy of the statement shall be displayed and, until the display of the next following statement, kept displayed in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on.

(3) Every member and every creditor of the company shall be entitled to a copy of the statement on payment of a sum not exceeding eight annas.

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Investigation by the Registrar.

Power of registrar to call for information or explanation.

141. (1) Where the registrar, on perusal of any document which a company is required to submit to him under the provisions of this Regulation, is of opinion that any information or explanation is necessary in order that such document may afford full particulars of the matter to which it purports to relate, he may, by a written order, call on the company submitting the document to furnish in writing such information or explanation within such time as he may specify in his order.

(2) On the receipt of an order under sub-section (1), it shall be the duty of all persons who are or have been officers of the company to furnish such information or explanation to the best of their power.

(3) If any such person refuses or neglects to furnish any such information or explanation, he shall be liable to a fine not exceeding fifty rupees in respect of each offence.

(4) On receipt of such information or explanation the registrar may annex the same to the original document submitted to him ; and any additional document so annexed by the registrar shall be subject to the like provisions as to inspection and the taking of copies as the original document is subject.

(5) If such information or explanation is not furnished within the specified time, or if after perusal of such information or explanation the registrar is of opinion that the document in question discloses an unsatisfactory state of affairs, or that it does not disclose a full and fair statement of the matters to which it purports to relate, the registrar shall report in writing the circumstances of the case to the Government.

Inspection and Audit.

Investigation of affairs of company by Inspectors.

142. The Government may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the Government may direct—

(*i*) in the case of a banking company having a share capital, on the application of members holding not less than one-fifth of the shares issued ;

(*ii*) in the case of any other company having a share capital, on the application of members holding not less than one-tenth of the shares issued ;

(*iii*) in the case of a company not having a share capital, on the application of not less than one-fifth in number of the persons on the company's register of members ;

(*iv*) in the case of any company, on a report by the registrar under section 141, sub-section (5).

Application for inspection to be supported by evidence.

143. An application by members of a company under section 142 shall be supported by such evidence as the Government may require for the purpose of showing that the applicants have good reason for, and are not actuated by malicious motive in, requiring the investigation ; and the Government may, before appointing an inspector, require the applicants to give security for payment of the costs of the inquiry.

Inspection of books and examination of officers.

144. (1) It shall be the duty of all persons who are or have been officers of the company to produce to the inspectors all books and documents in their custody or power relating to the company.

(2) An inspector may examine on oath any such person in relation to its business, and may administer an oath accordingly.

(3) If any person refuses to produce any book or document which under this section it is his duty to produce, or to answer any question relating to the affairs of the company, he shall be liable to a fine not exceeding fifty rupees in respect of each offence.

Results of examination how dealt with.

145. (1) On the conclusion of the investigation, the inspectors shall report their opinion to the government, and a copy of the report shall be forwarded by the Government to the registered office of the company, and a further copy shall, at the request of the applicants for the investigation, be delivered to them.

(2) The report shall be written or printed, as the Government directs.

(3) All expenses of, and incidental to, the investigation shall be defrayed by the applicants unless the Government directs the same to be paid by the company, which the Government is hereby authorised to do.

Power of company to appoint inspectors.

146. (1) A company may by special resolution appoint inspectors to investigate its affairs.

(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the Government, except that, instead of reporting to the Gov-

ernment, they shall report in such manner and to such persons as the company in general meeting may direct.

(3) All persons who are or have been officers of the company shall incur the like penalties in case of refusal to produce any book or document required to be produced to inspectors so appointed, or to answer any question, as they would have incurred if the inspectors had been appointed by the Government.

Report of inspectors to be evidence.

147. A copy of the report of any inspectors appointed under this Regulation authenticated by the seal of the company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

Qualifications and appointment of auditors.

148. (1) No person shall be appointed or act as an auditor of any company other than a private company unless he holds a certificate from the Government entitling him to act as an auditor of companies:

Provided that the Government may, by notification in the official Gazette declare that the members of any institution or association specified in such notification shall be entitled to be appointed and to act as auditors of companies throughout Mysore.

(2) The Government shall, by notification in the official Gazette, make rules providing for the grant of certificates entitling the holders thereof to act as auditors of companies, and may by such rules provide the conditions and restrictions on and subject to which such certificate shall be granted. The holder of such a certificate shall be entitled to act as an auditor of companies throughout Mysore unless such certificate restricts or limits the exercise of the right.

(3) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(4) If an appointment of an auditor is not made at an annual general meeting, the Government may, on the application of any member of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

(5) The following persons: that is to say,—

(*i*) a director or officer of the company; and

(*ii*) a partner of such director or officer; and

(*iii*) in the case of a company other than a private company, any person in the employment of such director, or office,

shall not be appointed auditors of the company.

(6) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a member of the company to the company not less than fourteen days before such annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to its members either by advertisement or in any other mode allowed by the articles not less than seven days before the annual general meeting:

Provided that, if after notice of the intention to nominate an auditor has been given to the company, an annual general meeting is called for a date fourteen days or less after the notice has been given, the requirements of this section as to time in respect of such a notice shall be deemed to have been satisfied, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this section be sent or given at the same time as the notice of the annual general meeting.

(7) The first auditors of the company may be appointed by the directors before the statutory meeting and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the members of

the company in general meeting, in which case such members at that meeting may appoint auditors.

(8) The directors may fill any casual vacancy in the office of the auditor, but while any such vacancy continues, the surviving or continuing auditor or auditors (if any) may act.

(9) The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the statutory meeting, or to fill any casual vacancy, may be fixed by the directors.

Powers and duties of auditors.

149. (1) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

(2) The auditors shall make a report to the members of the company on the accounts examined by them, and on every balance-sheet laid before the company in general meeting during their tenure of office, and the report shall state—

(*a*) whether or not they have obtained all the information and explanations they have required; and

(*b*) whether, in their opinion, the balance-sheet referred to in the report is drawn up in conformity with the law; and

(*c*) whether such balance-sheet exhibits a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

(3) In the case of a banking company, if the company has branch banks beyond the limits of Mysore, it shall be sufficient if the auditor is allowed access to such copies of and extracts from the books and accounts of any such branch as have been transmitted to the head office of the company in Mysore.

Rights of preference shareholders, etc., as to receipt and inspection of reports, etc.

150. (1) Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance-sheets of the company and the reports of the auditors and other reports as is possessed by the holders of ordinary shares in the company.

(2) This section shall not apply to a private company, not to a company registered before the commencement of this Regulation.

Carrying on business with less than the legal minimum of members.

Liability for carrying on business with fewer than seven or, in the case of a private company, two members.

151. If at any time the number of members of a company is reduced, in the case of a private company, below two, or in the case of any other company, below seven, and it carries on business for more than six months while the number is so reduced, every person who is a member of the company during the time that it so carries on business after those six months and is cognizant of the fact that it is carrying on business with fewer than two members or seven members, as the case may be, shall be severally liable for the payment of the whole debts of the company contracted during that time, and may be sued for the same without joinder in the suit of any other member.

Service and Authentication of documents.

Service of documents on company.

152. A document may be served on a company by leaving it at, or sending it by post to, the registered office of the company.

Service of documents on registrar.

153. A document may be served on the registrar by sending it to him by post, or delivering it to him, or by leaving it for him at his office.

Authentication of documents.

154. A document or proceeding requiring authentication by a company may be signed by a director, secretary or other authorised officer of the company, and need not be under its common seal.

Tables, Forms and Rules as to prescribed matters.

Application and alteration of tables and forms, and power to make rules as to prescribed matters.

155. (1) The forms in the Third Schedule or forms as near thereto as circumstances admit shall be used in all matters to which those forms refer.

(2) The Government may alter any of the tables and forms in the First Schedule, so that it does not increase the amount of fees payable to the registrar in the said Schedule mentioned, and may alter or add to the forms in the Third Schedule.

(3) Any such table or form, when altered, shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Regulation, but no alteration made by the Government in Table A in the First Schedule shall affect any company registered before the alteration, or repeal, as respects that company, any portion of that table.

(4) In addition to the powers herein before conferred by this section, the Government shall have power to make rules providing for all or any matters which by this Regulation are to be prescribed by its authority.

(5) Every such rule shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Regulation.

Arbitration and Compromise.

Power for companies to refer matters to arbitration.

156. (1) A company may by written agreement refer to arbitration, in accordance with the Mysore Arbitration Regulation, an existing or future difference between itself and any other company or person.

(2) Companies, parties to the arbitration, may delegate to the arbitrator power to settle any terms or to determine any matter capable of being lawfully settled or determined by the companies themselves, or by their directors or other managing body.

(3) The provisions of the Mysore Arbitration Regulation, other than those restricting the application of the Regulation in respect of the subject-matter of the arbitration, shall apply to all arbitrations between companies and persons in pursuance of this Regulation.

Power to compromise with creditors and members.

157. (1) Where a compromise or arrangement is proposed between a company and its creditors or any class of them, or between the company and its members or any class of them, the Court may, on the application in a summary way of the company or of any creditor or member of the company or, in the case of a company being wound up, of the liquidator, order a meeting of the creditors or class of creditors, or of the members of the company or class of members, as the case may be, to be called, held and conducted in such manner as the Court directs.

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors, or members or class of members, as the case may be, present either in person or by proxy at the meeting agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the Court, be binding on all the creditors or the class of creditors or on all members, or class o members, as the case may be, and also on the company, or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company.

(3) In this section the expression "company" means any company liable to be wound up under this Regulation.

Conversion of private company into public company.

Conversion of private into public company.

158. (1) A private company may, subject to anything contained in its memorandum or articles, by a special resolution and by filing with the registrar a copy of such resolution and also such a statement in lieu of prospectus as the company, if a public company, would have had to file before alloting any of its shares or debentures, together with such a duly verified declaration as the company, if a public company, would have had to file before commencing business, turn itself into a public company.

(2) Upon the filing of the documents mentioned in sub-section (1), the registrar shall record the change in his books relating to the company.

PART V.

WINDING UP.

Preliminary.

Mode of winding up.

159. (1) The winding up of a company may be either—

(*i*) by the Court; or

(*ii*) voluntary; or

(*iii*) subject to the supervision of the Court.

(2) The provisions of this Regulution with respect to winding up apply, unless the contrary appears, to the winding up of a company in any of these modes.

Contributories.

Liability as contributories of present and past members.

160. (1) In the event of a company being wound up, every present and past member shall, subject to the provisions of this section, be liable to contribute to the assets of the company to an amount sufficient for payment of its debts and liabilities and the costs, charges and expenses of the winding up, and for the adjustment of the rights of the contributories among themselves, with the qualifications following (that is to say):—

(*i*) a past member shall not be liable to contribute if he has ceased to be a member for one year or upwards before the commencement of the winding up;

(*ii*) a past member shall not be liable to contribute in respect of any debt or liability of the company contracted after he ceased to be a member;

(*iii*) a past member shall not be liable to contribute unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Regulation;

(*iv*) in the case of a company limited by shares, no contribution shall be required from any member exceeding the amount (if any) unpaid on the shares in respect to which he is liable as a present or past member;

(*v*) in the case of a company limited by guarantee, no contribution shall be required from any member exceeding the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up;

(*vi*) noting in this Regulation shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of

individual members on the policy or contract is restricted, or whereby the funds of the company are alone made liable in respect of the policy or contract;

(*vii*) a sum due to any member of a company in his character of a member, by way of dividends, profits or otherwise, shall not be deemed to be a debt of the company payable to that member in a case of competition between himself and any other creditor not a member of the company; but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

(2) In the winding up of a company limited by guarantee which has a share capital, every member of the company shall be liable, in addition to the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

Liability of directors whose liabilitiy is unlimited.

161. In the winding up of a limited company any director whether past or present, whose liability is, in pursuance of this Regulation, unlimited, shall, in addition to his liabilitiy (if any) to contribute as an ordinary member, be liable to make a further contribution as if he were at the commencement of the winding up a member of an unlimited company:

Provided that—

(*i*) a past director shall not be liable to make such further contribution if he has ceased to hold office for a year or upwards before the commencement of the winding up;

(*ii*) a past director shall not be liable to make such further contribution in respect of any debt or liability of the company contracted after he ceased to hold office;

(*iii*) subject to the articles a director shall not be liable to make such further contribution unless the Court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the company, and the costs, charges and expenses of the winding up.

Meaning of "contributory."

162. The term "contributory" means every person liable to contribute to the assets of a company in the event of its being wound up and, in all proceedings for determining and in all proceedings prior to the final determination of the persons who are to be deemed contributories, includes any person alleged to be a contributory.

Nature of liability of contributory.

163. (1) The liability of a contributory shall create a debt accruing due from him at the time when his liability commenced, but payable at the times when calls are made for enforcing the liability.

(2) No claim founded on the liability of a contributory shall be cognizable by any Court of Small Causes.

Contributories in case of death of member.

164. (1) If a contributory dies either before or after he has been placed on the list of contributories, his legal representatives and his heirs shall be liable in a due course of administration to contribute to the assets of the company in discharge of his liability and shall be contributories accordingly.

(2) If the legal representatives or heirs make default in paying any money ordered to be paid by them, proceedings may be taken for administering the property of the deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the money due.

Contributories in case of insolvency of member.

165. If a contributory is adjudged insolvent either before or after he has been placed on the list of contributories then—

(1) his assignees shall represent him for all the purposes of the winding up, and shall be contributories accordingly, and may be called on to

admit to proof against the estate of the insolvent, or otherwise to allow to be paid out of his assets in due course of law, any money due from the insolvent in respect of his liability to contribute to the assets of the company; and

(2) there may be proved against the estate of the insolvent the estimated value of his liability to future calls as well as calls already made.

Winding up by Court.

Circumstances in which company may be wound up by Court.

166. A company may be wound up by the Court—

(*i*) if the company has by special resolution resolved that the company be wound up by the Court:

(*ii*) if default is made in filing the statutory report or in holding the statutory meeting:

(*iii*) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year:

(*iv*) if the number of members is reduced, in the case of a private company, below two or, in the case of any other company, below seven:

(*v*) if the company is unable to pay its debts:

(*vi*) if the Court is of opinion that it is just and equitable that the company should be wound up.

Company when deemed unable to pay its debts.

167. A company shall be deemed to be unable to pay its debts—

(*i*) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding five hundred rupees then due, has served on the company, by leaving the same at its registered office, a demand under his hand requiring the company to pay the sum so due and the company has for three weeks thereafter neglected to pay the sum, or to secure or compound for it to the reasonable satisfaction of the creditor; or

(*ii*) if execution or other process issued on a decree or order of any Court in favour of a creditor of the company is returned unsatisfied in whole or in part; or

(*iii*) if it is proved to the satisfaction of the Court that the company is unable to pay its debts, and, in determining whether a company is unable to pay its debts, the Court shall take into account the contingent and prospective liabilities of the company.

Winding up may be referred to District Court.

168. Where the Chief Court makes an order for winding up a company under this Regulation, it may, if it thinks fit, direct all subsequent proceedings to be had in a District Court; and thereupon such District Court shall, for the purpose of winding up the company, be deemed to be "the Court" within the meaning of this Regulation and shall have, for the purposes of such winding up, all the jurisdiction and powers of the Chief Court.

Transfer of winding up from one District Court to another.

169. If during the progress of a winding up in a District Court it is made to appear to the Chief Court that the same could be more conveniently prosecuted in any other District Court having jurisdiction to wind up companies, the Chief Court may transfer the same to such other Court, and thereupon the winding up shall proceed in such other District Court.

Provisions as to applications for winding up.

170. An application to the Court for the winding up of a company shall be by petition presented, subject to the provisions of this section, either by the company, or by any creditor or creditors (including any contingent or prospective creditor or creditors), contributory or contributories, or by all or any of those parties, together or separately:

Provided that—

(*a*) a contributory shall not be entitled to present a petition for winding up a company unless—

(*i*) either the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven; or

(*ii*) the shares in respect of which he is a contributory or some of them either were originally alloted to him or have been held by him, and registered in his name, for at least six months during the eighteen months before the commencement of the winding up, or have devolved on him through the death of a former holder;

(*b*) a petition for winding up a company on the ground of default on filing the statutory report or in holding the statutory meeting shall not be presented by any person except a shareholder, nor before the expiration of fourteen days after the last day on which the meeting ought to have been held;

(*c*) the Court shall not give a hearing to a petition for winding up a company by a contingent or prospective creditor until such security for costs has been given as the Court thinks reasonable and until a *prima facie* case for winding up has been established to the satisfaction of the Court.

Effect of winding up order.

171. An order for winding up a company shall operate in favour of all the creditors and of all the contributories of the company as if made on the joint petition of a creditor and of a contributory.

Commencement of winding up by Court.

172. A winding up of a company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Court may grant injunction.

173. The Court may, at any time after the presentation of the petition for winding up a company under this Regulation, and before making an order for winding up the company, upon the application of the company or of any creditor or contributory of the company, restrain further proceedings in any suit or proceeding against the company, upon such terms as the Court thinks fit.

Powers of Court on hearing petition.

174. (1) On hearing the petition the Court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim order or any other order that it deems just, but the Court shall not refuse to make a winding up order on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no assets.

(2) Where the petition is presented on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may order the costs to be paid by any persons who, in the opinion of the Court, are responsible for the default.

Suits stayed on winding up order.

175. When a winding up order has been made, no suit or other legal proceeding shall be proceeded with or commenced against the company except by leave of the Court, and subject to such terms as the Court may impose.

Copy of winding up order to be filed with registrar.

176. (1) On the making of winding up order, it shall be the duty of the company forthwith to file with the registrar a copy of the order, and the petitioner in the winding up proceedings may so file a copy.

(2) On the filing of a copy of a winding up order, the registrar shall make a minute thereof in his books relating to the company, and shall notify in the local official Gazette that such an order has been made.

(3) Such order shall be deemed to be notice of discharge to the servants of the company, except when the business of the company is continued.

Power of Court to stay winding up.

177. The Court may at any time after an order for winding up, on the application of any creditor or contributory, and on proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the proceedings, either altogether or for a limited time, on such terms and conditions as the Court thinks fit.

Court may have regard to wishes of creditors or contributories.

178. The Court may, as to all matters relating to a winding up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

Official Liquidators.

Appointment of official liquidator.

179. (1) For the purpose of conducting the proceedings in winding up a company and performing such duties in reference thereto as the Court may impose, the Court may appoint a person or persons, to be called an official liquidator or official liquidators.

(2) The Court may make such an appointment provisionally at any time after the presentation of petition and before the making of an order for winding up.

(3) If more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act by this Regulation required or authorised to be done by the official liquidator is to be done by all or any one or more of such persons.

(4) The Court may determine whether any, and what, security is to be given by any official liquidator on his appointment.

(5) The acts of an official liquidator shall be valid notwithstanding any defect that may afterwards be discovered in his appointment: Provided that nothing in this sub-section shall be deemed to give validity to acts done by an official liquidator after his appointment has been shown to be invalid.

(6) A receiver shall not be appointed of assets in the hands of an official liquidator.

Resignations, removals, filling up vacancies and compensation.

180. (1) Any official liquidator may resign or be removed by the Court on due cause shown.

(2) Any vacancy in the office of an official liquidator appointed by the Court shall be filled up by the Court.

(3) There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Official liquidator.

181. The official liquidator shall be described by the style of the official liquidator of the particular company in respect of which he is appointed, and not by his individual name.

Custody of company's property.

182. (1) The official liquidator shall take into his custody, or under his control, all the property, effects and actionable claims to which the company is or appears to be entitled.

(2) If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the company shall be deemed to be in the custody of the Court.

Powers of official liquidator.

183. The official liquidator shall have power, with the sanction of the Court, to do the following things:—

(*a*) to institute or defend any suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the company;

(*b*) to carry on the business of the company so far as may be necessary for the beneficial winding up of the same;

(*c*) to sell the immoveable and moveable property of the company by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(*d*) to do all acts and to execute, in the name and on behalf of the company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the company's seal;

(*e*) to prove, rank and claim in the insolvency of any contributory, for any balance against his estate, and to receive dividends in the insolvency, in respect of that balance, as a separate debt due from the insolvent, and rateably with the other separate creditors;

(*f*) to draw, accept, make and indorse any bill of exchange, hundi or promissory note in the name and on behalf of the company with the same effect with respect to the liability of the company as if the bill, hundi or note had been drawn, accepted, made or endorsed by or on behalf of the company in the course of its business;

(*g*) to raise on the security of the assets of the company any money requisite;

(*h*) to take out, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act necessary for obtaining payment of any money due from a contributory or his estate which cannot be conveniently done in the name of the company; and in all such cases the money due shall, for the purpose of enabling the liquidator to take out the letters of administration or recover the money, be deemed to be due to the liquidator himself;

(*i*) to do all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

Discretion of official liquidator.

184. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Provision for legal assistance to official liquidator.

185. The official liquidator may, with the sanction of the Court, appoint an advocate, or pleader entitled to appear before the Court to assist him in the performance of his duties.

Official books to be kept by liquidator in winding up.

186. The official liquidator of a company which is being wound up by the Court shall keep, in manner prescribed, proper books in which he shall cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory may, subject to the control of the Court, personally or by his agent inspect any such books.

Exercise and control of liquidator's powers.

187. (1) Subject to the provisions of this Regulation the official liquidator of a company which is being wound up by the Court shall, in the administration of the assets of the company and in the distribution thereof among its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting.

(2) The official liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, may direct, or whenever requested in writing to do so by one-tenth in value of the creditors or contributories, as the case may be.

(3) The official liquidator may apply to the Court in manner prescribed for directions in relation to any particular matter arising in the winding up.

(4) Subject to the provisions of this Regulation, the official liquidator shall use his own direction in the administration of the assets of the company and in the distribution thereof among the creditors.

(5) If any person is aggrieved by any act or decision of the official liquidator, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order as it thinks just in the circumstances.

Ordinary Powers of Court.

Settlement of list of contributories and application of assets.

188. (1) As soon as may be after making a winding up order, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where rectification is required in pursuance of this Regulation, and shall cause the assets of the company to be collected and applied in discharge of its liabilities.

(2) In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable for the debts of others.

Power to require delivery of property.

189. The Court may, at any time after making a winding up order, require any contributory for the time being settled on the list of contributories and any trustee, receiver, banker, agent, or officer of the company to pay, deliver, surrender or transfer forthwith, or within such time as the Court directs, to the official liquidator any money, property or documents in his hands to which the company is *prima facie* entitled.

Power to order payment of debts by contributory.

190. (1) The Court may, at any time after making a winding up order, make an order on any contributory for the time being settled on the list of contributories to pay, in manner directed by the order, any money due from him or from the estate of the person whom he represents to the company exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Regulation.

(2) The Court in making such an order may, in the case of an unlimited company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the company on any independent dealing or contract with the company, but not any money due to him as a member of the company in respect of any dividend or profit; and may, in the case of a limited company, make to any director whose liability is unlimited or to his estate the like allowance:

Provided that, in the case of any company, whether limited or unlimited, when all the creditors are paid in full, any money due on any account whatever to a contributory from the company may be allowed to him by way of set-off against any subsequent call.

Power of Court to make calls.

191. (1) The Court may, at any time after making a winding up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of the contributories to the extent of their liability, for payment of any money which the Court considers necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves.

(2) In making the call the Court may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call.

Power to order payment into bank.

192. The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into any Bank approved by Government or any branch thereof, to the account of the official liquidator, instead of to the official liquidator, and any such order may be enforced in the same manner as if it had directed payment to the official liquidator.

193. All moneys, bills, hundis, notes and other securities paid and delivered into any Bank approved by Government or any branch thereof, in the event of a company being wound up by the Court, shall be subject in all respects to the orders of the Court.

Regulation of account with Court.

194. (1) An order made by the Court on a contributory shall (subject to any right of appeal) be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due.

Order on contributory conclusive evidence.

(2) All other pertinent matters stated in the order shall be taken to be truly stated as against all persons, and in all proceedings whatsoever.

195. The Court may fix a time or times within which creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved.

Power to exclude creditors not proving in time.

196. The Court shall adjust the rights of the contributories among themselves, and distribute any surplus among the persons entitled thereto.

Adjustment of rights of contributories.

197. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges and expenses incurred in the winding up in such order of priority as the Court thinks just.

Power to order costs.

198. (1) When the affairs of a company have been completely wound up, the Court shall make an order that the company be dissolved from the date of the order, and the company shall be dissolved accordingly.

Dissolution of company.

(2) The order shall be reported within fifteen days of the making thereof by the official liquidator to the registrar, who shall make in his books a minute of the dissolution of the company.

(3) If the official liquidator makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding fifty rupees for every day during which he is in default.

Extraordinary Powers of Court.

199. (1) The Court may, after it has made a winding up order, summon before it any officer of the company or person known or suspected to have in his possession any property of the company, or supposed to be indebted to the company, or any person whom the Court deems capable of giving information concerning the trade, dealings, affairs or property of the company.

Power to summon persons suspected of having property of company.

(2) The Court may examine him on oath concerning the same, either by word of mouth or on written interrogatories, and may reduce his answers to writing and require him to sign them.

(3) The Court may require him to produce any documents in his custody or power relating to the company; but, where he claims any lien on documents produced by him, the production shall be without prejudice to that lien, and the Court shall have jurisdiction in the winding up to determine all questions relating to that lien.

(4) If any person so summoned, after being tendered a reasonable sum for his expense, refuses to come before the Court at the time appointed, not having a lawful impediment (made known to the Court at the time of its sitting, and allowed by it), the Court may cause him to be apprehended and brought before the Court for examination.

200. (1) When an order has been made for winding up a company by the Court, and the official liquidator has applied to the Court stating that in his opinion a fraud has been committed by any person in the promotion or formation of the company or by any director or other officer of the

Power to order public examination of promoters, directors, etc.

company in relation to the company since its formation, the Court may, after consideration of application, direct that any person who has taken any part in the promotion or formation of the company, or has been a director, manager or other officer of the company shall attend before the Court on a day appointed by the Court for that purpose, and be publicly examined as to the promotion or formation or the conduct of the business of the company, or as to his conduct and dealings as director, manager or other officer thereof.

(2) The official liquidator shall take part in the examination, and for that purpose may, if specially authorised by the Court in that behalf, employ such legal assistance as may be sanctioned by the Court.

(3) Any creditor or contributory may also take part in the examination either personally or by any person entitled to appear before the Court.

(4) The Court may put such questions to the person examined as the Court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all such questions as the Court may put or allow to be put to him.

(6) A person ordered to be examined under this section may at his own cost employ any person entitled to appear before the Court, who shall be at liberty to put to him such questions as the Court may deem just for the purpose of enabling him to explain or qualify any answers given by him: Provided that if he is, in the opinion of the Court, exculpated from any charges made or suggested against him, the Court may allow him such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him in civil proceedings, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The Court may, if it thinks fit, adjourn the examination from time to time.

(9) An examination under this section may, if the Court so directs, and subject to any rules in this behalf, be held before any District Judge or before any officer of the Chief Court, being an official referee, registrar or deputy registrar, and the powers of the Court under this section as to the conduct of the examination, but not as to costs, may be exercised by the person before whom the examination is held.

Power to arrest absconding contributory.

201. The Court, at any time either before or after making a winding up order on proof of probable cause for believing that a contributory is about to quit Mysore or otherwise to abscond, or to remove or conceal any of his property, for the purpose of evading payment of calls or of avoiding examination respecting the affairs of the company, may cause the contributory to be arrested and his books and papers and moveable property to be seized, and him and them to be safely kept until such time as the Court may order.

Saving of other proceedings.

202. Any powers by this Regulation conferred on the Court shall be in addition to, and not in restriction of, any existing powers of instituting proceedings against any contributory or debtor of the company, or the estate of any contributory or debtor, for the recovery of any call or other sums.

Enforcement of and Appeal from Orders.

Power to enforce orders.

203. All orders made by a Court under this Regulation may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

204. Any order made by a Court for or in the course of the winding up of a company shall be enforced in any place in Mysore other than that in which such Court is situate, by the Court that would have had jurisdiction in respect of such company if the registered office of the company had been situate at such

other place, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

205. Where any order made by one Court is to be enforced by another Court, a certified copy of the order so made shall be produced to the proper officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order having been made; and thereupon the last mentioned Court shall take the requisite steps in the matter for enforcing the order in the same manner as if it were the order of the Court enforcing the same.

Appeals from orders.

206. Re-hearings of, and appeals from, any order or decision made or given in the matter of the winding up of a company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction.

Voluntary winding up.

Circumstances in which company may be wound up voluntarily.

207. A company may be wound up voluntarily:

(1) when the period (if any) fixed for the duration of the company by the articles expires, or the event (if any) occurs, on the occurrence of which the articles provide that the company is to be dissolved and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily;

(2) if the company resolves by special resolution that the company be wound up voluntarily;

(3) if the company resolves by extraordinary resolution to the effect that it cannot by reason of its liabilities continue its business, and that it is advisable to wind up.

Commencement of voluntary winding up.

208. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorising the winding up.

Effect of voluntary winding up on status of company.

209. When a company is wound up voluntarily, the company shall, from the commencement of the winding up, cease to carry on the business, except so far as may be required for the beneficial winding up thereof:

Provided that the corporate state and corporate powers of the company shall, notwithstanding to the contrary in its articles, continue until it is dissolved.

Notice of resolution to wind up voluntarily.

210. (1) Notice of any special resolution or extraordinary resolution for winding up a company voluntarily shall be given by the company within ten days of the passing of the same by advertisement both in English and in Kannada in the official Gazette, and also in some newspaper (if any) circulating in the district where the registered office of the company is situate.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to a like penalty.

Consequences of voluntarily winding up.

211. The following consequences shall ensue on the voluntary winding up of a company:—

(*i*) the assets of the company shall be applied in satisfaction of its liabilities *pari passu* and, subject thereto, shall, unless the articles otherwise provide, be distributed among the members according to their rights and interests in the company;

(*ii*) the company in general meeting shall appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets

of the company, and may fix the remuneration to be paid to him or them;

(*iii*) on the appointment of a liquidator all the powers of the directors shall cease, except so far as the company in general meeting, or the liquidator, sanctions the continuance thereof;

(*iv*) the liquidator may, without the sanction of the Court, exercise all powers given by this Regulation to the official liquidator in a winding up by the Court;

(*v*) the liquidator may exercise the powers of the Court under this Regulation of settling a list of contributories, and of making calls, and shall pay the debts of the company, and adjust the rights of the contributories among themselves;

(*vi*) the list of contributories shall be *prima facie* evidence of the liability of the persons named therein to be contributories;

(*vii*) when several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined by the company at the time of their appointment, or in default of such determination by any number not less than two;

(*viii*) if from any cause whatever there is no liquidator acting, the Court may, on the application of a contributory, appoint a liquidator; and

(*ix*) the Court may, on cause shown, remove a liquidator, and appoint another liquidator.

Notice by liquidator of his appointment.

212. (1) The liquidator in a voluntary winding up shall, within twenty-one days after his appointment, file with the registrar a notice of his appointment in the form prescribed.

(2) If the liquidator fails to comply with the requirements of this section, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

Rights of creditors in a voluntary winding up.

213. (1) Every liquidator appointed by a company in a voluntary winding up shall, within seven days from his appointment, send notice by post to all persons who appear to him to be creditors of the company that a meeting of the creditors of the company will be held on a date, not being less than twenty-one days nor more than one month after his appoinment, and at a place and hour, to be specified in the notice, and shall also advertise notice of the meeting once in the official Gazette and once at least in some newspaper (if any) circulating in the district where the registered office, or principal place of business of the company was situate.

(2) At the meeting to be held in pursuance of the foregoing provisions of this section the creditors shall determine whether an application shall be made to the Court for the appointment of any person as liquidator in the place of, or jointly with, the liquidator appointed by the company, and, if the creditors so resolve, an application may be made accordingly to the Court at any time not later than fourteen days after the date of the meeting, by any creditor appointed for the purpose at the meeting:

Provided that the Court may, by order at any time, extend the time for making an application under this sub-section for such period as the Court thinks proper.

(3) On any such application the Court may make an order either for the removal of the liquidator appointed by the company and for the appointment of some other person as liquidator or for the appointment of some other person to act as liquidator jointly with the liquidator appointed by the company, or such other order as, having regard to the interests of the creditors and contributories of the company, may seem just.

(4) The Court shall make such order as to the costs of the application as it may think fit, and, if it is of opinion that, having regard to the interests of the creditors in the liquidation, there were reasonable grounds for the application, may

order the costs of the application to be paid out of the assets of the company, notwithstanding that the application is dismissed or otherwise disposed of adversely to the applicant.

Power to fill vacancy in office of liquidator.

214. (1) If a vacancy occurs by death, resignation or otherwise in the office of liquidator appointed by the company in a voluntary winding up, the company in general meeting may, subject to any arrangement with its creditors, fill the vacancy.

(2) For that purpose a general meeting may be called by any contributory or, if there were more liquidators than one, by the continuing liquidators.

(3) The meeting shall be held in manner prescribed by the articles, or in such manner as may, on application by any contributory or by the continuing liquidators, be determined by the Court.

Delegation of authority to appoint liquidators.

215. (1) A company about to be, or in course of being, wound up voluntarily may, by extraordinary resolution, delegate to its creditors, or to any committee of them, the power of appointing liquidators or any of them, and of supplying vacancies among the liquidators, or enter into any arrangement with respect to the powers to be exercised by the liquidators, and the manner in which they are to be exercised.

(2) Any act done by creditors in pursuance of any such delegated power shall have the same effect as if it had been done by the company.

Arrangement when binding on creditors.

216. (1) Any arrangement entered into between a company about to be, or in the course of being, wound up voluntarily and its creditors shall, subject to any right of appeal under this section, be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors.

(2) Any creditor or contributory may, within three weeks from the completion of the arrangement, appeal to the Court against it, and the Court may thereupon, as it thinks just, amend, vary or confirm the arrangement.

Power for liquidators to accept shares, etc., as a consideration for sale of property of company.

217. (1) Where a company is proposed to be, or is in course of being, wound up altogether voluntarily, and the whole or part of its business or property is proposed to be transferred or sold to another company (in this section called the transferee company) the liquidator of the first mentioned company (in this section called the transferor company) may, with the sanction of a special resolution of that company conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, receive, in compensation or part compensation for the transfer or sale, shares, policies or other like interests in the transferee company, for distribution among the members of the transferor company, or may enter into any other arrangement whereby the members of the transferor company may, in lieu of receiving cash, shares, policies or other like interest, or in addition thereto, participate in the profits of, or receive another benefit from, the transferee company.

(2) Any sale or arrangement in pursuance of this section shall be binding on the members of the transferor company.

(3) If any member of the transferor company who did not vote in favour of the special resolution at either of the meetings held for passing and confirming the same expresses his dissent therefrom in writing addressed to the liquidator, and left at the registered office of the company within seven days after the confirmation of the special resolution, he may require the liquidator either to abstain from carrying the resolution into effect, or to purchase his interest at a price to be determined by agreement or by arbitration in manner hereinafter provided.

(4) If the liquidator elects to purchase the member's interest, the purchase-money must be paid before the company is dissolved, and be raised by the liquidator in such manner as may be determined by special resolution.

(5) A special resolution shall not be invalid for the purposes of this section by reason that it is passed before or concurrently with a resolution for winding up the company, or for appointing liquidators; but if an order is made within a year for winding up the company by or subject to the supervision of the Court, the special resolution shall not be valid unless sanctioned by the Court.

Mode of determining price.

218. (1) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration.

(2) The provisions of the Mysore Arbitration Regulation, other than those restricting the application of the Regulation in respect of the subject-matter of the arbitration, shall apply to all arbitrations in pursuance of this section.

Power to apply to Court.

219. (1) Where a company is being wound up voluntarily, the liquidator or any contributory or creditor may apply to the Court to determine any question arising in the winding up, or to exercise as respects the enforcing of calls, or any other matters, all or any of the powers which the Court might exercise if the company were being wound up by the Court.

(2) The Court, if satisfied that the determination of the question or the required exercise of power will be just and beneficial, may accede wholly or partially to the application on such terms and conditions as the Court thinks fit, or may make such other order on the application as the Court thinks just.

Power of liquidator to call general meeting.

220. (1) Where a company is being wound up voluntarily, the liquidator may, from time to time, summon general meetings of the company for the purpose of obtaining the sanction of the company by special or extraordinary resolution, or for any other purposes he may think fit.

(2) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company at the end of the first year from the commencement of the winding up, and of each succeeding year, or as soon thereafter as may be convenient, and shall lay before the meeting a statement in the prescribed form containing the prescribed particulars with respect to the proceedings in and the position of the liquidation.

Final meeting and dissolution.

221. (1) In the case of every voluntary winding up as soon as the affairs of the company are fully wound up, the liquidator shall make up an account of the winding up showing how the winding up has been conducted and the property of the company has been disposed of; and thereupon shall call a general meeting of the company for the purpose of laying before it the account, and giving any explanation thereof.

(2) The meeting shall be called by advertisement, specifying the time, place and object thereof, and published one month at least before the meeting in the manner specified in section 210.

(3) Within one week after the meeting, the liquidator shall file with the registrar a return of the holding of the meeting, and of its date, and in default of so doing, shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

(4) The registrar on the filing of the return shall forthwith register it, and, on the expiration of three months from the registration of the return, the company shall be deemed to be dissolved:

Provided that the Court may, on the application of the liquidator or of any other person who appears to the Court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the Court thinks fit.

(5) It shall be the duty of the person on whose application an order of the Court under sub-section (4) is made, within twenty-one days after the making of the order, to file with the registrar a certified copy of the order, and if that person

fails so to do, he shall be liable to fine not exceeding fifty rupees for every day during which the default continues.

Cost of voluntary liquidation.

222. All costs, charges and expenses properly incurred in the voluntary winding up of a company, including the remuneration of the liquidator, shall be payable out of the assets of the company in priority to all other claims at the date of the winding up.

Saving for rights of creditors and contributories.

223. The voluntary winding up of a company shall not bar the right of any creditor or contributory to have it wound up by the Court, if the Court is of opinion, in the case of an application by a creditor, that the rights of the creditor or, in the case of an application by a contributory, that the rights of the contributories will be prejudiced by a voluntary winding up.

Power of Court to adopt proceedings of voluntary winding up.

224. Where a company is being wound up voluntarily, and an order is made for winding up by the Court, the Court, may, if it thinks fit, by the same or any subsequent order, provide for the adoption of all or any of the proceedings in the voluntary winding up.

Winding up subject to supervision of Court.

Power to order winding up subject to supervision.

225. When a company has by special or extraordinary resolution resolved to wind up voluntarily, the Court may make an order that the voluntary winding up shall continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally on such terms and conditions as the Court thinks just.

Effect of petition for winding up subject to supervision.

226. A petition for the continuance of a voluntary winding up subject to the supervision of the Court shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up by the Court.

Court may have regard to wishes of creditors and contributories.

227. The Court may, in deciding between a winding up by the Court and a winding up subject to supervision, in the appointment of liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

Power for Court to appoint or remove liquidators.

228. (1) Where an order is made for a winding up subject to supervision, the Court may by the same or any subsequent order appoint any additional liquidator.

(2) A liquidator appointed by the Court under this section shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if he had been appointed by the company.

(3) The Court may remove any liquidator so appointed by the Court or any liquidator continued under the supervision order, and fill any vacancy occasioned by the removal, or by death or resignation.

Effect of supervision order.

229. (1) Where an order is made for a winding up subject to supervision, the liquidator may, subject to any restrictions imposed by the Court, exercise all his powers, without the sanction or intervention of the Court, in the same manner as if the company were being wound up altogether voluntarily.

(2) Except as provided in sub-section (1), and save for the purposes of section 200 any order made by the Court for a winding up subject to the supervision of the Court shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the company by the Court, and shall confer full authoity on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the company altogether by the Court.

(3) In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidator, the expression "official liquidator" shall be deemed to mean the liquidator conducting the winding up subject to the supervision of the Court.

Appointment in certain cases of voluntary liquidators to office of official liquidators.

230. Where an order has been made for the winding up of a company subject to supervision, and an order is afterwards made for winding up by the Court, the Court may, by the last mentioned order or by any subsequent order, appoint the voluntary liquidators or any of them, either provisionally, or permanently and either with or without the addition of any other person, to be official liquidator in the winding up by the Court.

Supplemental Provisions.

Avoidance of transfers, etc., after commencement of winding up.

231. (1) In the case of voluntary winding up, every transfer of shares, except transfers made to or with the sanction of the liquidator, and every alteration in the status of the members of the company made after the commencement of the winding up shall be void.

(2) In the case of a winding up by or subject to the supervision of the Court, every disposition of the property (including actionable claims) of the company, and every transfer of shares, or alteration in the status of its members, made after the commencement of the winding up shall, unless the Court otherwise orders, be void.

Debts of all descriptions to be proved.

232. In every winding up (subject in the case of insolvent companies to the application in accordance with the provisions of this Regulation of the law of insolvency) all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, shall be admissible to proof against the company, a just estimate being made, so far as possible, of the value of such debts or claims as may be subject to any contigency or for some other reason do not bear a certain value.

Application of insolvency rules in winding up of insolvent companies.

233. In the winding up of an insolvent company the same rules shall prevail and be observed with regard to the respective rights of secured and unsecured creditors and to debts provable and to the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of insolvency with respect to the estates of persons adjudged insolvent: and all persons who in any such case would be entitled to prove for and receive dividends out of the assets of the company may come in under the winding up, and make such claims against the company as they respectively are entitled to by virtue of this section.

Preferential payments.

234. (1) In a winding up there shall be paid in priority to all other debts—

(*a*) all revenue, taxes, cesses and rates, whether payable to the Government or to a local authority, due from the company at the date hereinafter mentioned and having become due and payable within the twelve months next before that date;

(*b*) all wages or salary of any clerk or servant in respect of service rendered to the company within the two months next before the said date, not exceeding one thousand rupees for each clerk or servant; and

(*c*) all wages of any labourer or workman, not exceeding five hundred rupees for each whether payable for time or piecework, in respect of services rendered to the company within the two months next before the said date.

(2) The foregoing debts shall—

(*a*) rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportion; and

(b) so far as the assets of the company available for the payment of general creditors are insufficient to meet them, have priority over the claims of holders of debentures under any floating charge created by the company, and be paid accordingly out of any property comprised in or subject to that charge.

(3) Subject to the retention of such sums as may be necessary for the costs and expenses of the winding up, the foregoing debts shall be discharged forthwith so far as the assets are sufficient to meet them.

(4) In the event of a landlord or other person distraining or having distrained on any goods or effects of the company within three months next before the date of a winding up order, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

Provided that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom the payment is made.

(5) The date hereinbefore in this section referred to is,—

(a) in the case of a company ordered to be wound up compulsorily which had not previously commenced to be wound up voluntarily, the date of the winding up order; and

(b) in any other case, the date of the commencement of the winding up.

Fraudulent preference.

235. (1) Any transfer, delivery of goods, payment, execution or other act relating to property which would, if made or done by or against an individual, be deemed in his insolvency a fraudulent preference, shall, if made or done by or against a company, be deemed, in the event of its being wound up, a fraudulent preference of its creditors, and be invalid accordingly.

(2) For the purposes of this section the presentation of a petition for winding up in the case of a winding up by or subject to the supervision of the Court, and a resolution for winding up, in the case of a voluntary winding up, shall be deemed to correspond with the act of insolvency in the case of an individual.

(3) Any transfer or assignment by a company of all its property to trustees for the benefit of all its creditors shall be void.

Avoidance of certain attachments, executions, etc.

236. (1) Where any company is being wound up by or subject to the supervision of the Court, any attachment, distress or execution put in force without leave of the Court against the estate or effects of the company after the commencement of the winding up shall be void.

(2) Nothing in this section applies to proceedings by the Government.

Effect of floating charge.

237. Where a company is being wound up a floating charge on the undertaking or property of the company created within three months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid except to the amount of any cash paid to the company at the time, of, or subsequently to the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent per annum.

General scheme of liquidation may be sanctioned.

238. (1) The liquidator may, with the sanction of the Court when the company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the company in the case of a voluntary winding up, do the following things or any of them:—

(i) pay any classes of creditors in full;

(ii) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the company may be rendered liable;

(*iii*) compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent subsisting or supposed to subsist between the company and a contributory or alleged contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets or the winding up of the company, on such terms as may be agreed, and take any security for the discharge of any such call, debt, liability or claim, and give a complete discharge in respect thereof.

(2) The exercise by the liquidator of the powers of this section shall be subject to the control of the Court, and any creditor or contributory may apply to the Court with respect to any exercise or proposed exercise of any of these powers.

Power of Court to assess damages against delinquent directors, etc.

239. (1) Where, in the course of winding up a company, it appears that any person who has taken part in the formation or promotion of the company, or any past or present director, manager or liquidator, or any officer of the company, has misapplied or retained or become liable or accountable for any money or property of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of the liquidator, or of any creditor or contributory, examine into the conduct of the promoter, director, manager, liquidator or officer, and compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the Court thinks just.

(2) This section shall apply notwithstanding that the offence is one for which the offender may be criminally responsible.

(3) The Mysore Limitation Regulation, 1911, shall apply to an application under this section as if such application were a suit.

Penalty for falsification of books.

240. If any director, manager, officer or contributory of any company being wound up destroys, mutilates, alters or falsifies or fraudulenty secretes any books, papers or securities, or makes, or is privy to the making of, any false or fraudulent entry in any register book of account or document belonging to the company with intend to defraud or deceive any person, he shall be liable to imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Prosecution of delinquent directors, etc.

241. (1) If it appears to the Court, in the course of a winding up by or subject to the supervision of the Court, that any past or present director, manager, officer or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the Court may, on the application of any person interested in the winding up, or of its own motion, direct the official liquidator or the liquidator (as the case may be) to prosecute for the offence, and may order the costs and expenses to be paid out of the assets of the company.

(2) If it appears to the liquidator, in the course of a voluntary winding up that any past or present director, manager, officer or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the liquidator, with the previous sanction of the Court, may prosecute the offender, and all expenses properly incurred by him in the prosecution shall be payable out of the assets of the company in priority to all other liabilities.

Penalty for false evidence.

242. If any person, upon any examination upon oath authorised under this Regulation, or in any affidavit deposition or solemn affirmation, in or about the winding up of any company under this Regulation, or otherwise in or about any matter arising under this Regulation intentionally gives false evidence, he shall be liable to imprisonment for a term which may extend to seven years, and shall also be liable to fine.

243. (1) Where by this Regulation the Court is authorised in relation to winding up to have regard to the wishes of creditors or contributories, as proved to it by any sufficient evidence, the Court may, if it thinks fit for the purpose of ascertaining those wishes, direct meetings of the creditors or contributories to be called, held and conducted in such manner as the Court directs, and may appoint a person to act as chairman of any such meeting and to report the result thereof to the Court.

Meetings to ascertain wishes of creditors or contributories.

(2) In the case of creditors, regard shall be had to the value of each creditor's debt.

(3) In the case of contributories, regard shall be had to the number of votes conferred on each contributory by the articles.

244. Where any company is being wound up all documents of the company and of the liquidator shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Documents of company to be evidence.

245. After an order for a winding up by or subject to the supervison of the Court, the Court may make such order for inspection by creditors and contributories of the company of its documents as the Court thinks just, and any documents in the possession of the company may be inspected by creditors or contributories accordingly, but not further or otherwise.

Inspection of documents.

246. (1) When a company has been wound up and is about to be dissolved, the documents of the company and of the liquidators may be disposed of as follows (that is to say):—

Disposal of documents of company.

(*a*) in the case of a winding up by or subject to the supervision of the Court, in such way as the Court directs;

(*b*) in the case of a voluntary winding up, in such way as the company by extraordinary resolution directs.

(2) After three years from the dissolution of the company, no responsibility shall rest on the company, or the liquidators or any person to whom the custody of the documents has been committed, by reason of the same not being forthcoming to any person claiming to be interested therein.

247. (1) Where a company has been dissolved, the Court may, at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidator of the company or by any other person who appears to the Court to be interested, make an order, upon such terms as the Court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

Power of Court to declare dissolution of company void.

(2) It shall be the duty of the person on whose application the order was made, within twenty-one days after the making of the order, to file with the registrar a certified copy of the order, and if that person fails so to do, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

248. (1) Where a company is being wound up, if the winding up is not concluded within one year after its commencement, the liquidator shall, at such intervals as may be prescribed until the winding up is concluded, file with the registrar a statement in the prescribed form and containing the prescribed particulars with respect to the proceedings in and position of the liquidation.

Information as to pending liquidations.

(2) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement, and to receive a copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor or contributory shall be deemed to be guilty of an offence under section

182 of the Indian Penal Code, and shall be punishable accordingly on the application of the liquidator.

(3) If a liquidator fails to comply with the requirements of this section, he shall be liable to a fine not exceeding five hundred rupees for each day during which the default continues.

Court or person before whom affidavit may be sworn.

249. (1) Any affidavit required to be sworn under the provisions or for the purposes of this Part may be sworn in Mysore before any Court, Judge or person lawfully authorised to take and receive affidavits, or elsewhere before any Court or authority before whom a similar affidavit may be validly sworn.

(2) All Courts, Judges, Justices, Commissioners and persons acting judicially in Mysore shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, or authority, attached, appended or subscribed to any such affidavit, or to any other document to be used for the purposes of this Part.

Rules.

Power of Chief Court to make rules.

250. (1) The Chief Court may, from time to time, make rules consistent with this Regulation and with the Code of Civil Procedure, 1911, concerning the mode of proceedings to be had for winding up a company in such Court and in the Courts subordinate thereto and for giving effect to the provisions hereinbefore contained as to the reduction of the capital and the sub-division of the shares of a company.

(2) Without prejudice to the generality of the foregoing power, the Chief Court may by such rules enable or require all or any of the powers and duties conferred and imposed on the Court by this Regulation, in respect of the matters following, to be exercised or performed by the official liquidator, and subject to the control of the Court, that is to say, the powers and duties of the Court in respect of—

(*a*) holding and conducting meetings to ascertain the wishes of creditors and contributories;

(*b*) settling lists of contributories and rectifying the register of members where required, and collecting and applying the assets;

(*c*) requiring delivery of property or documents to the liquidator;

(*d*) making calls;

(*e*) fixing a time within which debts and claims must be proved:

Provided that the official liquidator shall not, without the special leave of the Court, rectify the register of members, and shall not make any call without the special leave of the Court.

Removal of defunct Companies from Register.

Registrar may strike defunct company off register.

251. (1) Where the registrar has reasonable cause to believe that a company is not carrying on business or in operation, he shall send to the company by post a letter inquiring whether the company is carrying on business or in operation.

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter, and stating that no answer thereto has been received and that, if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the official Gazette with a view to striking the name of the company off the register.

(3) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation, or does not within one month after sending the second letter receive any answer, he may publish in the official Gazette, and send to the company by post a notice that, at the expiration of three

months from the date of that notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

(4) If, in any case where a company is being wound up, the registrar has reasonable cause to believe either that no liquidator is acting or that the affairs of the company are fully wound up, and the returns required to be made by the liquidator have not been made for a period of six consecutive months after notice by the registrar demanding the returns has been sent by post to the company, or to the liquidator at his last known place of business, the registrar may publish in the official Gazette and send to the company a like notice as is provided in the last preceding sub-section.

(5) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by the company, strike its name off the register, and shall publish notice thereof in the official Gazette, and, on the publication in the official Gazette of this notice, the company shall be dissolved: Provided that the liabilty (if any) of every director and member of the company shall continue and may be enforced is if the company had not been dissolved.

(6) If a company or any member or creditor thereof feels aggrieved by the company having been struck off the register, the Court, on the application of the company or member or creditor, may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if its name had not been struck off; and the Court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) A letter or notice under this section may be addressed to the company at its registered office, or, if no office has been registered, to the care of some director, manager or other officer of the company or, if there is no director, manager or other officer of the company whose name and address are known to the registrar, may be sent to each of the persons who subscribed the memorandum, addressed to him at the address mentioned in the memorandum.

PART VI.

REGISTRATION OFFICE AND FEES.

252 (1) The Government may appoint such registrars and assistant registrars as it thinks necessary for the registration of companies under this Regulation, and may make regulations with respect to their duties.

(2) The Government may direct a seal or seals to be prepared for the authentication of documents required for or connected with the registration of companies.

(3) Any person may inspect the documents kept by the registrar on payment of such fees as may be appointed by the Government, not exceeding one rupee for each inspection; and any person may require a certificate of the incorporation of any company, or a copy or extract of any other document or any part of any other document, to be certified by the registrar on payment for the certificate, certified copy or extract, of such fees as the Government may appoint, not exceeding three rupees for a certificate of incorporation, and not exceeding six annas for very hundred words or fractional part thereof required to be copied.

(4) Whenever any act is by this Regulation directed to be done to or by the registrar, it shall, until the Government otherwise directs, be done to or by the existing registrar of joint-stock companies or in his absence to or by such person as the Government may for the time being authorise; but, in the event of the Government altering the constitution of the existing registry offices, or any of them,

any such act shall be done to or by such officer and at such place with reference to to the local situation of the registered offices of the companies to be registered as the Government may appoint.

253. (1) There shall be paid to the registrar in respect of the several matters mentioned in table B in the First Schedule the several fees therein specified, or such smaller fees as the Government may direct.

(2) All fees paid to the registrar in pursuance of this Regulation shall be credited to the Government.

PART VII.

APPLICATION OF REGULATION TO COMPANIES FORMED AND REGISTERED UNDER FORMER COMPANIES ACTS AND REGULATION.

Application of Regulation to companies formed under former Companies Acts and Regulation.

254. In the application of this Regulation to existing companies, it shall apply in the same manner in the case of a limited company, other than a company limited by guarantee, as if the company had been formed and registered under this Regulation as a company limited by shares; in the case of a company limited by guarantee, as if the company had been formed and registered under this Regulation as a company limited by guarantee; and in the case of a company other than a limited company, as if the company had been formed and registered under this Regulation as an unlimited company:

Provided that—

(1) nothing in Table A in the First Schedule shall apply to a company formed and registered under Act XIX of 1857 and Act VII of 1860, or either of them, or under the Indian Companies Act, 1866, or the Mysore Companies Regulation, 1895;

(2) reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under Act No. XIX of 1857 and Act No. VII of 1860, or either of them, or under the Indian Companies Act, 1866, or the Mysore Companies Regulation, 1895, as the case may be.

Application of Regulation to companies registered but not formed under former Companies Acts and Regulation.

255. This Regulation shall apply to every company registered but not formed under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, or under the Indian Companies Act, 1866, or the Mysore Companies Regulation 1895, in the same manner as it is hereinafter in this Regulation declared to apply to companies registered but not formed under this Regulation:

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under the said Acts or Regulation or any of them.

Mode of transferring.

256. A company registered under Act XIX of 1857 and Act VII of 1860 or either of them may cause its shares to be transferred in the manner hitherto in use, or in such other manner as the company may direct.

PART VIII.

COMPANIES AUTHORISED TO REGISTER UNDER THIS REGULATION.

Companies capable of being registered.

257. (1) With the exceptions and subject to the provisions mentioned and contained in this section,—

(*i*) any company consisting of seven or more members, which was in existence on the first day of November eighteen hundred and

ninety-five, including any company registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, and

(*ii*) any company formed after the date aforesaid, whether before or after the commencement of this Regulation in pursuance of any enactment at any time in force in Mysore or being otherwise duly constituted according to law, and consisting of seven or more members;

may at any time register under this Regulation as an unlimited company or as a company limited by shares, or as a company limited by guarantee; and the registration shall not be invalid by reason that it has taken place with a view to the company being wound up:

(2) Provided as follows:—

(*a*) a company having the liability of its members limited by any enactment at any time in force in Mysore and not being a joint-stock company as hereinafter defined, shall not register in pursuance of this section;

(*b*) a company having the liability of its members limited by any enactment at any time in force in Mysore shall not register in pursuance of this section as an unlimited company or as a company limited by guarantee;

(*c*) a company that is not a joint-stock company as hereinafter defined shall not register in pursuance of this section as a company limited by shares;

(*d*) a comany shall not register in pursuance of this section without the assent of a majority of such of its members as are present in person or by proxy (in cases where proxies are allowed by the articles) at a general meeting summoned for the purpose;

(*e*) where a company not having the liability of its members limited by any enactment at any time in force in Mysore is about to register as a limited company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present in person or by proxy at the meeting;

(*f*) where a company is about to register as a company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the company, in the event of its being wound up while he is a member, or within one year afterwords, for payment of the debts and liabilities of the company contracted before he ceased to be a member, and of the costs and expenses of winding up, and for the adjustment of the rights of the contributories among themselves such amount as may be required not exceeding a specified amount.

(3) In computing any majority under this section when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the articles.

(4) A company registered under the Mysore Companies Regulation, 1895, shall not be registered in pursuance of this section.

Definition of "joint-stock company."

258. For the purposes of this Part as far as relates to registration of companies as companies limited by shares, a joint-stock company means a company having a permanent paid-up or nominal share capital of fixed amount divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of those shares or that stock, and no other persons; and such a company, when registered with limited liability under this Regulation, shall be deemed to be a company limited by shares.

Requirements for registration by joint-stock companies.

259. Before the registration in pursuance of this Part of a joint-stock company, there shall be delivered to the registrar the following documents (that is to say) :—

(1) a list showing the names, addresses and occupations of all persons who on a day named in the list, not being more than six clear days before the day of registration, were members of the company, with the addition of the shares or stock held by them respectively, distinguishing, in cases where the shares are numbered, each share by its number;

(2) a copy of any enactment at any time in force in Mysore, deed of settlement, contract of co-partnery or other instrument constituting or regulating the company; and

(3) if the company is intended to be registered as a limited company, a statement specifying the following particulars (that is to say):—

(*a*) the nominal share capital of the company and the number of shares into which it is divided or the amount of stock of which it consists;

(*b*) the number of shares taken and the amount paid on each share;

(*c*) the name of the company, with the addition of the word "Limited" as the last word thereof; and

(*d*) in the case of a company intended to be registered as a company limited by guarantee, the resolution declaring the amount of the guarantee.

Requirements for registration by other than joint-stock company.

260. Before the registration in pursuance of this Part of any company not being a joint-stock company, there shall be delivered to the registrar—

(1) a list showing the names, addresses and occupations of the directors of the company; and

(2) a copy of any enactment at any time in force in Mysore, deed of settlement, contract of co-partnery or other instrument constituting or regulating the company; and

(3) in the case of a company intended to be registered as a company limited by guarantee, a copy of the resolution declaring the amount of the guarantee.

Authentication of statement of existing companies.

261. The lists of members and directors and any other particulars relating to the company required to be delivered to the registrar shall be duly verified by a declaration of any two or more directors or other principal officers of the company.

Registrar may require evidence as to nature of company.

262. The registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether any company proposing to be registered is or is not a joint-stock company as hereinbefore defined.

On registration of banking company with limited liability, notice to be given to customers.

263. (1) Where a banking company, which was in existence on the first day of November eighteen hundred and ninety-five, proposes to register as a limited company, it shall, at least thirty days before so registering, give notice of its intention so to register to every person who has a banking account with the company, either by delivery of the notice to him, or by posting it to him at, or delivering it at, his last known address.

(2) If the company omits to give the notice required by this section, then as between the company and the person for the time being interested in the account in respect of which the notice ought to have been given, and so far as respects the account down to the time at which the notice is given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

264. No fees shall be charged in respect of the registration in pursuance of this Part of a company, if it is not registered as a limited company, or if before its registration as a limited company, the liability of the shareholders was limited by some enactment at any time in force in Mysore.

Exemption of certain companies from payment of fees.

265. When a company registers in pursuance of this Part with limited liability, the word "Limited" shall form and be registered as part of its name.

Addition of "Limited" to name.

266. On compliance with the requirements of this Part with respect to registration, and on payment of such fees, if any, as are payable under B in the First Schedule, the registrar shall certify under his hand that the company applying for registration is incorporated as a company under this Regulation, and in the case of a limited company that it is limited, and thereupon the company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate of registration of existing companies.

267. All property, moveable and immoveable, including all interests and rights in, to and out of property, moveable and immoveable, and including obligations and actionable claims as may belong to or be vested in a company at the date of its registration in pursuance of this Part, shall, on registration pass to and vest in the company as incorporated under this Regulation for all the estate and interest of the company therein.

Vesting of property on registration.

268. The registration of a company in pursuance of this Part shall not affect the rights or liabilities of the company in respect of any debt or obligation incurred or any contract entered into, by, to, with, or on behalf of, the company before registration.

Saving of existing liabilities.

269. All suits and other legal proceedings which at the time of the registration of a company in pursuance of this Part are pending by or against the company, or the public officer or any member thereof, may be continued in the same manner as if the registration had not taken place; nevertheless execution shall not issue against the effects of any individual member of the company on any decree or order obtained in any such suit or proceeding; but, in the event of the property and effects of the company being insufficient to satisfy the decree or order, an order may be obtained for winding up the company.

Continuation of existing suits.

Effect of registration under Regulation.

270. When a company is registered in pursuance of this Part,—

(*i*) all provisions contained in any enactment at any time in force in Mysore deed of settlement, contract of co-partnery, or other instrument constituting or regulating the company, including, in the case of a company, registered as a company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the company in the same manner and with the same incidents as if so much thereof as would, if the company had been formed under this Regulation, have been required to be inserted in the memorandum, were contained in a registered memorandum, and the residue thereof were contained in registered articles;

(*ii*) all the provisions of this Regulation shall apply to the company and the members, contributories and creditors thereof, in the same manner in all respects as if it, had been formed under this Regulation, subject as follows (that is to say):—

(*a*) the regulations in Table A in the First Schedule shall not apply unless adopted by special resolution;

(*b*) the provisions of this Regulation relating to the numbering of shares shall not apply to any joint-stock company whose shares are not numbered;

(*c*) subject to the provisions of this section, the company shall not have power to alter any provision contained in any enactment at any time in force in Mysore relating to the company;

(*d*) in the event of the company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the company contracted before registration, who is liable to pay or contribute to the payment of any debt or liability of the company contracted before registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs and expenses of winding up the company, so far as relates to such debts or liabilities as aforesaid; and every contributory shall be liable to contribute to the assets of the company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid; and in the event of the death or insolvency of any contributory, the provisions of this Regulation with respect to the legal representatives and heirs of deceased contributories, and with reference to the assignees of insolvent contributories, shall apply;

(*iii*) the provisions of this Regulation with respect to—

(*a*) the registration of an unlimited company as limited;

(*b*) the powers of an unlimited company on registration as a limited company to increase the nominal amount of its share capital and to provide that a portion of its share capital shall not be capable of being called up except in the event of winding up;

(*c*) the power of a limited company to determine that a portion of its share capital shall not be capable of being called up except in the event of winding up;

shall apply notwithstanding any provisions contained in any enactment at any time in force in Mysore, deed of settlement, contract of co-partnery or other instrument constituting or regulating the company;

(*iv*) nothing in this section shall authorise the company to alter any such provisions contained in any deed of settlement, contract of co-partnery or other instrument constituting or regulating the company, as would, if the company had originally been formed under this Regulation, have been required to be contained in the memorandum and are not authorised to be altered by this Regulation;

(*v*) nothing in this Regulation shall derogate from any lawful power of altering its constitution or regulations which may, by virtue of any enactment at any time in force in Mysore, deed of settlement, contract of co-partnery, or other instrument constituting or regulating the company, be vested in the company.

Power to substitute memorandum and articles for deed of settlement.

271. (1) Subject to the provisions of this section, a company registered in pursuance of this Part may by special resolution alter the form of its constitution by substituting a memorandum and articles for a deed of settlement.

(2) The provisions of this Regulation with respect to confirmation by the Court and registration of an alteration of the objects of a company shall, so far as applicable, apply to an alteration under this section with the following modifications:—

(*a*) there shall be substituted for the printed copy of the altered memorandum required to be filed with the registrar a printed copy of the substituted memorandum and articles; and,

(*b*) on the registration of the alteration being certified by the registrar, the substituted memorandum and articles shall apply to the company in the same manner as if it were a company registered under this Regulation with that memorandum and those articles, and the company's deed of settlement shall ceased to apply to the company.

(3) An alteration under this section may be made either with or without any alteration of the objects of the company under this Regulation.

(4) In this section the expression "deed of settlement" includes any contract of co-partnery or other instrument constituting or regulating the company, not being an enactment at any time in force in Mysore.

Power of Court to stay or restrain proceedings.

272. The provisions of this Regulation with respect to staying and restraining suits and legal proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding up order shall, in the case of a company registered in pursuance of this Part, where the application to stay or restrain is by a creditor, extend to suits and legal proceedings against any contributory of the company.

Suits stayed on winding up order.

273. Where an order has been made for winding up a company registered in pursuance of this Part, no suit or other legal proceeding shall be commenced or proceeded with against the company or any contributory of the company in respect of any debt of the company, except by leave of the Court, and subject to such terms as the Court may impose.

PART IX.

WINDING UP OF UNREGISTERED COMPANIES.

Meaning of "unregistered company."

274. For the purposes of this Part, the expression "unregistered company" shall not include a railway company incorporated by any enactment at any time in force in Mysore nor a company registered under the Indian Companies Act, 1866, or under any Act repealed thereby, or under the Mysore Companies Regulation, 1895, or under this Regulation but save as aforesaid, shall include any partnership, association or company consisting of more than seven members.

Winding up of unregistered companies.

275. (1) Subject to the provisions of this Part, any unregistered company may be wound up under this Regulation and all the provisions of this Regulation with respect to winding up shall apply to an unregistered company, with the following exceptions and additions:—

(*i*) no unregistered company shall be wound up under this Regulation voluntarily or subject to supervision;

(*ii*) the circumstances in which an unregistered company may be wound up are as follows (that is to say):—

(*a*) if the company is dissolved, or has ceased to carry on business or is carrying on business only for the purpose of winding up its affairs;

(*b*) if the company is unable to pay its debts;

(*c*) if the Court is of opinion that it is just and equitable that the company should be wound up;

(*iii*) an unregistered company shall, for the purposes of this Regulation be deemed to be unable to pay its debts—

(*a*) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding five hundred rupees then due, has served on the company by leaving at its principal place of business, or by delivering to the secretary, or some director, manager or principal officer of the company, or by otherwise serving in such manner as the Court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks after the service of the demand neglected to pay the sum, or to secure or compound for it to the satisfaction of the creditor;

(*b*) if any suit or other legal proceeding has been instituted against any member for any debt or demand due or claimed to be due, from the company or from him in his character of member, and notice in writing of the institution of the suit or other legal proceeding having been served on the company by leaving the same at its principal place of business or by delivering it to the secretary, or some director, manager or principal officer of the company or by otherwise serving the same in such manner as the Court may approve or direct, the company has not within ten days after service of the notice paid, secured or compounded for the debt or demand, or procured the suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against the suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same;

(*c*) if execution or other process issued on a decree or order obtained in any Court in favour of a creditor against the company, or any member thereof as such, or any person authorised to be sued as nominal defendant on behalf of the company, is returned unsatisfied; and

(*d*) if it is otherwise proved to the satisfaction of the Court that the company is unable to pay its debts.

(2) Nothing in this Part shall affect the operation of any enactment which provides for any partnership, association or company being wound up, or being wound up as a company or as an unregistered company, under any enactment repealed by this Regulation, except that references in any such first-mentioned enactment to any such repealed enactment shall be read as references to the corresponding provision (if any) of this Regulation.

Contributories in winding up of unregistered companies.

276. (1) In the event of an unregistered company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves, or to pay or contribute to the payment of the costs and expenses of winding up the company, and every contributory shall be liable to contribute to the assets of the company all sums due from him in respect of any such liability as aforesaid.

(2) In the event of any contributory dying or being adjudged insolvent, the provisions of this Regulation with respect to the legal representatives and heirs of deceased contributories and to the assignees of insolvent contributories shall apply.

Power to stay or restrain proceedings.

277. The provisions of this Regulation with respect to staying and restraining suits and legal proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding up order shall, in the case of an unregistered company, where the application to stay or restrain is by a creditor, extend to suits and legal proceedings against any contributory of the company.

Suits stayed on winding up order.

278. Where an order has been made for winding up an unregistered company, no suit or other legal proceeding shall be proceeded with or commenced against any contributory of the company in respect of any debt of the company, except by leave of the Court, and subject to such terms as the Court may impose.

Directions as to property in certain cases.

279. If an unregistered company has no power to sue and be sued in a common name, or if for any reason it appears expedient, the Court may, by the winding up order, or by any subsequent order, direct that all or any part of the property, moveable and immoveable, including all interests and rights in, to and out of property, moveable and immoveable and including obligations and actionable

claims as may belong to the company or to trustees on its behalf, is to vest in the official liquidator by his official name, and thereupon the property or the part thereof specified in the order shall vest accordingly ; and the official liquidator may, after giving such indemnity (if any) as the Court may direct, bring or defend in his official name any suit or other legal proceeding relating to that property, or necessary to be brought or defended for the purposes of effectually winding up the company and recovering its property.

Provisions of this part cumulative.

280. The provisions of this Part with respect to unregistered companies shall be in addition to, and not in restriction of, any provisions hereinbefore in this Regulation contained with respect to winding up companies by the Court, and the Court or official liquidator may exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies formed and registered under this Regulation, but an unregistered company shall not, except in the event of its being wound up, be deemed to be a company under this Regulation, and then only to the extent provided by this Part.

PART X.

COMPANIES ESTABLISHED OUTSIDE MYSORE.

Requirements as to companies established outside Mysore.

281. (1) Every company incorporated outside Mysore, which at the commencement of this Regulation has a place of business in Mysore, and every such company which after the commencement of this Regulation establishes such a place of business within Mysore, shall, within six months from the commencement of this Regulation or within one month from the establishment of such place of business, as the case may be, file with the registrar,—

(*a*) a certified copy of the charter, statutes or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof ;

(*b*) the full address of the registered or principal office of the company ;

(*c*) a list of the directors and managers (if any) of the company ;

(*d*) the names and addresses of some one or more persons resident in Mysore authorised to accept on behalf of the company service of process and any notices required to be served on the company ;

and, in the event of any alteration being made in any such instrument or in such address or in the directors or managers or in the names or addresses of any such persons as aforesaid, the company shall within the prescribed time, file with the registrar a notice of the alteration.

(2) Any process or notice required to be served on the company shall be sufficiently served, if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed.

(3) Every company to which this section applies shall in every year file with the registrar of the province in which the company has its principal place of business—

(*i*) in a case where by the law, for the time being in force, of the country in which the company is incorporated such company is required to file with the public authority an annual balance-sheet,—a copy of that balance-sheet : or

(*ii*) in a case where no such provision is made by the law, for the time being in force, of the country in which the company is incorporated, —such a statement in the form of a balance-sheet as such company would, if it were a company formed and registered under this

Regulation, be required to file in accordance with the provisions of this Regulation:

Provided that the Government may, by notification in the official Gazette subject to such restrictions and conditions, if any, as it may therein prescribe, exempt any such company or any class of such companies from this requirement.

(4) Every company to which this section applies and which uses the word "Limited" as part of its name, shall,—

(a) in every prospectus inviting subscriptions for its shares or debentures in Mysore State the country in which the company is incorporated: and

(b) conspicuously exhibit on every place where it carries on business in Mysore the name of the company and the country in which the company is incorporated in letters easily legible in English or Kannada characters;

(c) have the name of the company and of the country in which the company is incorporated mentioned in legible English or Kannada characters in all bill-heads and letter paper and in all notices, advertisements and other official publications of the company.

(5) If any company to which this section applies fails to comply with any of the requirements of this section, the company, and every officer or agent of the company, shall be liable to a fine not exceeding five hundred rupees or, in the case of a continuing offence, fifty rupees for every day during which the default continues.

(6) For the purposes of this section—

(a) the expression "certified" means certified in the prescribed manner to be a true copy or a correct translation;

(b) the expression "place of business" includes a share transfer or share registration office;

(c) the expression "director" includes any person occupying the position of director, by whatever name called; and

(d) the expression "prospectus" means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of the company.

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of five rupees or such smaller fee as may be prescribed.

PART XI.

SUPPLEMENTAL.

Legal Proceedings, Offences, etc.

Cognizance of offences.

282. (1) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

(2) Notwithstanding anything in the Code of Criminal Procedure, 1904, every offence against this Regulation shall, for the purposes of the said Code, be deemed to be non-cognizable.

Applications of fines.

283. The Court imposing any fine under this Regulation may direct that the whole or any part thereof be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding of the person on whose information the fine is recovered.

Power to require limited company to give security for costs.

284. Where a limited company is plaintiff or petitioner in any suit or other legal proceeding, any Court having jurisdiction in the matter may, if it appears that there is reason to believe that the company will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs, and may stay all proceeding until the security is given.

Power of Court to grant relief in certain cases.

285. If, in any proceeding before any Court against a director of a company for negligence or breach of trust, it appears to such Court that the director is or may be liable in respect of the negligence or breach of trust, but has acted honestly and reasonably, and ought fairly to be excused for the negligence or breach of trust, that Court may relieve him, either wholly or partly, from his liability on such terms as the Court may think proper.

Penalty for false statement.

286. Whoever in any return, report, certificate, balance-sheet or other document, required by or for the purposes of any of the provisions of this Regulation wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Penalty for improper use of word "Limited."

287. If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, that person or those persons shall unless duly incorporated with limited liability, be liable to a fine not exceeding fifty rupees for every day upon which that name or title has been used.

Saving of pending proceedings for winding up.

288. The provisions of this Regulation with respect to winding up shall not apply to any company of which the winding up has commenced before the commencement of this Regulation, but every such company shall be wound up in the same manner and with the same incidents as if this Regulation had not been passed, and, for the purposes of the winding up, the Mysore Companies Regulation, 1895, shall be deemed to remain in full force.

Saving of document.

289. Every instrument of transfer or other document made before the commencement of this Regulation in pursuance of any enactment hereby repealed shall be of the same force as if this regulation had not been passed, and for the purposes of that instrument or document the repealed enactment shall be deemed to remain in full force.

Former registration offices, registers, and registrars continued.

290. (1) The offices existing at the commencement of this Regulation for registration of joint-stock companies shall be continued as if they had been established under this Regulation.

(2) Registers of companies kept in any such existing offices shall respectively be deemed part of the registers of companies to be kept under this Regulation.

(3) The existing registrars, assistant registrars and officers in those offices shall, during the pleasure of the Government, hold the offices and receive the salaries hitherto held and received by them, but subject to any rules of the Government with regard to the execution of their duties.

Construction of "registrar of joint-stock companies" in Regulation III of 1904.

291. In sections 2 and 19 of Regulation III of 1904 (for the registration of Literary Scientific and Charitable Societies), the words "registrar of joint-stock companies" shall be construed to mean the registrar under this Regulation.

Repeal of Regulation and Savings.

292. (1) The enactment mentioned in the Fourth Schedule is hereby repealed to the extent specified in the fourth column thereof:

Provided that the repeal shall not affect—

(*a*) the incorporation of any company registered under any enactment hereby repealed; nor

(*b*) Table B in the Schedule annexed to Act No. XIX of 1857, or any part thereof, so far as the same applies to any company existing at the commencement of this Regulation; nor

(*c*) Table A in the First Schedule annexed to the Mysore Companies Regulation 1895, or any part thereof, so far as the same applies to any company existing at the commencement of this Regulation.

(2) All fees directed, resolutions passed and other things duly done under any enactment hereby repealed, shall be deemed to have been directed, passsd or done under this Regulation.

(3) The mention of particular matters in this section or in any other section of this Regulation shall not prejudice the general application of section 6 of the General Clauses Regulation 1899, with regard to the effect of repeals.

SCHEDULES.

THE FIRST SCHEDULE.

(*See sections 2, 17, 18, 77, 270.*)

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Preliminary.

1. In these regulations, unless the context otherwise requires, expressions defined in the Mysore Companies Regulation, or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined; and words importing the singular shall include the plural, and *vice versa*, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate.

VII of 1913.

Business.

2. The directors shall have regard to the restrictions on the commencement of business imposed by section 107 of the Mysore Companies Regulation, if, and so far as, those restrictions are binding upon the company.

Shares.

3. Subject to the provisions, if any, in that behalf of the memorandum of association of the company, and without prejudice to any special rights previously conferred on the holders of existing shares in the company, any shares in the company may be issued with such preferred, deferred or other special rights, or such restrictions, whether in regard to dividend, voting, return of share capital, or otherwise, as the company may from time to time by special resolution determine.

4. If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations, relating to general meetings shall *mutatis mutandis* apply, but so that

the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class.

5. No share shall be offered to the public for subscription except upon the terms that the amount payable on application shall be at least 5 per cent of the nominal amount of the share; and the directors shall, as regards any allotment of shares, duly comply with such of the provisions of sections 105 and 108 of the Mysore Companies Regulatian, as may be applicable thereto.

6. Every person whose name is entered as a member in the register of members shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon: Provided that, in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint-holders, shall be sufficient delivery to all.

7. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding eight annas, and on such terms, if any, as to evidence and indemnity as the directors think fit.

8. No part of the funds of the company shall be employed in the purchase of, or in loans upon the security of, the company's shares.

Lien.

9. The company shall have a lien on every share (not being a fully-paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the company shall also have a lien on all shares (other than fully-paid shares) standing registered in the name of a single person, for all moneys presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this clause. The company's lien, if any, on a share shall extend to all dividends payable thereon.

10. The company may sell, in such manner as the director thinks fit, any shares on which the company has a lien, but no sale shall be made unless some sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating, and demanding payment of such part of amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled by reason of his death or insolvency to the share.

11. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale. The purchaser shall be registered as the holder of the shares, and he shall not be bound to see to the application of the purchase-money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

Calls on Shares.

12. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than one month from the last call; and each member shall (subject to receiving at least fourteen days' notice specifying the time or times of payments) pay to the company at the time or times so specified the amount called on his shares.

13. The joint-holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

14. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay

interest upon the sum at the rate of five per cent per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of that interest wholly or in part.

15. The provisions of these regulations as to payment of interest shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had become payable by virtue of a call duly made and notified.

16. The directors may make arrangements on the issue of shares for a difference between the holders in the amount of calls to be paid and in the times of payment.

17. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the moneys uncalled and unpaid upon any shares held by him; and upon all or any of the moneys so advanced may (until the same would, but for such advance, become presently payable) pay interest at such rate (not exceeding, without the sanction of the company in general meeting, six per cent) as may be agreed upon between the member paying the sum in advance and the directors.

Transfer and transmission of shares.

18. The instrument of transfer of any share in the company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain holder of the share until the name of the transferee is entered in the register of members in respect thereof.

19. Shares in the company shall be transferred in the following form, or in any usual or common form which the directors shall approve:

I, A B of , in consideration of the sum of rupees paid to me by C D of (hereinafter called "the said transferee"), do hereby transfer to the said transferee the share [*or* shares] numbered in the undertaking called the Company, Limited, to hold unto the said transferee, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution thereof, and I, the said transferee, do hereby agree to take the said share [*or* shares] subject to the conditions aforesaid. As witness our hands the day of

Witness to the signatures of, etc.

20. The directors may decline to register any transfer of shares, not being fully-paid shares, to a person of whom they do not approve, and may also decline to register any transfer of shares on which the company has a lien. The directors may also suspend the registration of transfers during the fourteen days immediately preceding the ordinary general meeting in each year. The directors may decline to recognise any instrument of transfer unless—

(*a*) a fee not exceeding two rupees is paid to the company in respect thereof, and

(*b*) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer.

21. The executors or administrators of a deceased sole holder of a share shall be the only persons recognised by the company as having any title to the share. In the case of a share registered in the names of two or more holders, the survivors, or survivor, or the executors or administrators of the deceased survivor, shall be the only persons recognised by the company as having any title to the share.

22. Any person becoming entitled to a share in consequence of the death or insolvency of a member shall, upon such evidence being produced as may from time to time be required by the directors, have the right either to be registered as a member in respect of the share or, instead of being registered himself, to make such

transfer of the share as the deceased or insolvent person could have made; but the directors shall, in either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by the deceased or insolvent person before the death or insolvency.

23. A person becoming entitled to a share by reason of the death or insolvency of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of the share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company.

Forfeiture of shares.

24. If a member fails to pay any call or instalment of a call on the day appointed for payment thereof, the directors may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

25. The notice shall name a further day (not earlier than the expiration of fourteen days, from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that in the event of non-payment at or before the time appointed, the shares in respect of which the call was made will be liable to be forfeited.

26. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

27. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit.

28. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited share, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company receive payment in full of the nominal amount of the shares.

29. A duly verified declaration in writing that the declarant is a director of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share, and that declaration, and the receipt of the company for the consideration, if any, given for the share on the sale or disposition thereof, shall constitute a good title to the share, and the person to whom the share is sold or disposed of shall be registered as the holder of the share and shall not be bound to see to the application of the purchase-money (if any), nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

30. The provisions of these regulations as to forfeiture shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had been payable by virtue of a call duly made and notified.

Conversion of shares into stock.

31. The directors may, with the sanction of the company previously given in general meeting, convert any paid-up shares into stock, and may with the like sanction re-convert any stock into paid-up shares of any denomination.

32. The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations, as, and subject to which, the

shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit; but the directors may, from time to time, fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose.

33. The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges and advantages as regards dividends, voting at meetings of the company, and other matters, as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage.

34. Such of the regulations of the company (other than those relating to share-warrants), as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stock-holder."

Share-warrants.

35. The company may issue share-warrants, and accordingly the directors may in their discretion, with respect to any share which is fully paid up, on application in writing signed by the person registered as holder of the share, and authenticated by such evidence (if any) as the directors may, from time to time, require as to the identity of the person signing the request, and on receiving the certificate (if any) of the share, and the amount of the stamp-duty on the warrant and such fee as the directors may, from time to time, require, issue under the company's seal a warrant, duly stamped, stating that the bearer of the warrant is entitled to the shares therein specified, and may provide by coupons or otherwise for the payment of dividends, or other moneys, on the shares included in the warrant.

36. A share-warrant shall entitle the bearer to the shares included in it, and the share shall be transferred by the delivery of the share-warrant, and the provisions of the regulations of the company with respect to transfer and transmission of shares shall not apply thereto.

37. The bearer of a share-warrant shall, on surrender of the warrant to the company for cancellation, and on payment of such sum as the directors may, from time to time, prescribe, be entitled to have his name entered as a member in the register of members in respect of the shares included in the warrant.

38. The bearer of a share-warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited, the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the shares included in the deposited warrant. Not more than one person shall be recognised as depositor of the share-warrant. The company shall, on two days' written notice, return the deposited share-warrant to the depositor.

39, Subject as herein otherwise expressly provided, no person shall, as bearer of a share-warrant, sign a requisition for calling a meeting of the company, or attend, or vote or exercise any other privilege of a member at a meeting of the company, or be entitled to receive any notices from the company; but the bearer of a share-warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company.

40. The directors may, from time to time, make rules as to the terms on which (if they shall think fit) a new share-warrant or coupon may be issued by way of renewal in case of defacement, loss or destruction.

Alteration of Capital.

41. The directors may, with the sanction of an extraordinary resolution of the company, increase the share capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

42. Subject to any direction to the contrary that may be given by the resolution sanctioning the increase of share capital, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which by reason of the ratio which (the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this article.

43. The new shares shall be subject to the same provisions with reference to the payment of calls, lien, transfer, transmission, forfeiture and otherwise as the shares in the original share capital.

44. The company may, by special resolution,—

(*a*) consolidate and divide its share capital into shares of larger amount than its existing shares;

(*b*) by sub-division of its existing shares or any of them, divide the whole or any part of its share capital into shares of smaller amount than is fixed by the memorandum of association, subject, nevertheless, to the provisions of paragraph (*d*) of sub-section (1) of section 48 of he Mysore Companies Regulation 19 .

(*c*) cancel any shares which, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person;

(*d*) reduce its share capital in any manner and with, and subject to, any incident authorised, and consent required, by law.

General Meetings.

45. The statutory general meeting of the company shall be held within the period required by section 75 of the Mysore Companies Regulation 19 .

46. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be called by any two members in the same manner as nearly as possible as that in which meetings are to be called by the directors.

47. The abovementioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

48. The directors may, whenever they think fit, call an extraordinary general meeting, and extraordinary general meetings shall also be called on such requisition, or in default, may be called by such requisitionists, as provided by section 76 of the Mysore Companies Regulation, 19 . If at any time there are not within Mysore sufficient directors capable of acting to form a quorum, any director or any two members of the company may call an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be called by the directors.

Proceedings at General Meeting.

49. Fourteen days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day and the hour of meeting and, in case of special business, the general nature of that business, shall be given in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company; but the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

50. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting with the exception of sanctioning a dividend, the consideration of the accounts, balance-sheets and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

51. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, three members personally present shall be a quorum.

52. If within half an hour from the time appointed for the meeting, a quorum is not present, the meeting, if called upon the requisition of members, shall be dissolved; in any other case, it shall stand adjourned to the same day in the next week at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

53. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

54. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman.

55. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for ten days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

56. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three members, and, unless a poll is so demanded, a declaration by the chairman that a resolution on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

57. If a poll is duly demanded, it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

58. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote.

59. A poll demanded on the election of a chairman or on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

Votes of Members.

60. On a show of hands every member present in person shall have one vote. On a poll every member shall have one vote for each share of which he is the holder.

61. In the case of joint-holders, the vote of the senior who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint-holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of members.

62. A member of unsound mind, or in respect of whom an order has been made by any Court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee or other legal guardian, and any such committee or guardian may, on a poll, vote by proxy.

63. No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid.

64. On a poll votes may be given either personally or by proxy: Provided that no company shall vote by proxy as long as a resolution of its directors in accordance with the provisions of section 78 of the Mysore Companies Regulation, is in force.

65. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing, or, if the appointor is a corporation, either under the common seal, or under the hand of an officer or attorney so authorised. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he has been appointed to act at that meeting as proxy for a corporation.

66. The instrument appointing a proxy and the power-of-attorney or other authority (if any), under which it is signed, or a notarially certified copy of that power or authority, shall be deposited at the registered office of the company not less than seventy-two hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

67. An instrument appointing a proxy may be in the following form or in any other form which the directors shall approve:—

Company, Limited.

"I of in the district of being a member of the Company, Limited, hereby appoint of as my proxy to vote for me and on my behalf at the [ordinary or extraordinary, as the case may be] general meeting of the company to be held on the day of and at any adjournment thereof."

Signed this day of

Directors.

68. The number of the directors and the names of the first directors shall be determined in writing by a majority of the subscribers of the memorandum of association.

69. The remuneration of the directors shall from time to time be determined by the company in general meeting.

70. The qualification of a director shall be the holding of at least one share in the company, and it shall be his duty to comply with the provisions of section 85 of the Mysore Companies Regulation.

Powers and duties of Directors.

71. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company, and may exer-

cise all such powers of the company as are not by the Mysore Companies Regulation, or any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting, subject nevertheless to any regulation of these articles, to the provisions of the said Regulation, and to such regulations being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

72. The directors may from time to time appoint one or more of their body to the office of managing director or manager for such term, and at such remuneration (whether by way of salary, or commission, or participation in profits, or partly in one way and partly in another) as they may think fit, and a director so appointed shall not, while holding that office, be subject to retirement by rotation, or taken into account in determining the rotation of retirement of directors, but his appointment shall be subject to determination *ipso facto* if he ceases from any cause to be a director, or if the company in general meeting resolve that his tenure of the office of managing director or manager be determined.

73. The amount for the time being remaining undischarged of moneys borrowed or raised by the directors for the purposes of the company (otherwise than by the issue of share capital) shall not at any time exceed the issued share capital of the company without the sanction of the company in general meeting.

74. The directors shall duly comply with the provisions of the Mysore Companies Regulation, or any statutory modification thereof for the time being in force, and in particular with the provision in regard to the registration of the particulars of mortgages and charges affecting the property of the company or created by it, and to keeping a register of the directors, and to sending to the registrar an annual list of members, and a summary of particulars relating thereto and notice of any consolidation or increase of share capital, or conversion of shares into stock, and copies of special resolutions and a copy of the register of directors and notifications of any changes therein.

75. The directors shall cause minutes to be made in books provided for the purpose—

(*a*) of all appointments of officers made by the directors;

(*b*) of the names of the directors present at each meeting of the directors and of any committee of the directors;

(*c*) of all resolutions and proceedings at all meetings of the company, and, of the directors, and of committees of directors;

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

The Seal.

76. The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose; and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

Disqualifications of Directors.

77. The office of director shall be vacated if the director—

(*a*) ceases to be a director by virtue of section 85 of the Mysore Companies Regulation; or

(*b*) holds, or any partner of his, or the firm of which he is a member, holds, any other office of profit under the company except that of managing director or manager; or

(*c*) is adjudged insolvent; or

(*d*) is found lunatic or becomes of unsound mind; or

(*e*) is concerned or participates in the profits of any contract with the company; or

(*f*) is punished with imprisonment for a term exceeding six months:

Provided, however, that no director shall vacate his office by reason of his being a member of any company which has entered into contracts with, or done any work for, the company of which he is director; but a director shall not vote in respect of any such contract or work, and if he does so vote, his vote shall not be counted.

Rotation of Directors.

78. At the first ordinary meeting of the company, the whole of the directors shall retire from office, and at the ordinary meeting in every subsequent year, one-third of the directors for the time being or, if their number is not three or a multiple of three, then the number nearest to one-third shall retire from office.

79. The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

80. A retiring director shall be eligible for re-election.

81. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto.

82. If at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week at the same time and place, and, if at the adjourned meeting the places of the vacating directors are not filled up, the vacating directors or such of them as have not had their places filled up shall be deemed to have been re-elected at the adjourned meeting.

83. The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

84. Any casual vacancy occurring on the board of directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

85. The directors shall have power at any time, and from time to time, to appoint a person as an additional director, who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

86. The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead; the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

Proceedings of Directors.

87. The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. A director may, and the secretary on the requistion of a director shall, at any time, summon a meeting of directors.

88. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall (when the number of directors exceeds three) be three.

89. The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

90. The directors may elect a chairman of their meetings and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

91. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so found shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the directors.

92. A committee may elect a chairman of their meetings; if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

93. A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the chairman shall have a second or casting vote.

94. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends and Reserve.

95. The company in general meeting may declare dividends, but no dividends shall exceed the amount recommended by the directors.

96. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

97. No dividends shall be paid otherwise than out of profits.

98. Subject to the rights of persons (if any) entitled to shares with special rights as to dividends, all dividends shall be declared and paid according to the amounts paid on the shares, but if and so long as nothing is paid upon any of the shares in the company, dividends may be declared and paid according to the amounts of the shares. No amount paid on a share in advance of calls shall, while carrying interest, be treated for the purposes of this article as paid on the share.

99. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve or reserves which shall, at the discretion of the directors, be applicable for meeting contingencies, or for equalizing dividends, or for any other purposes to which the profits of the company may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares of the company) as the directors may from time to time think fit.

100. If several persons are registered as jointholders of any share, any one of them may give effectual receipts for any dividend payable on the share.

101. Notice of any dividend that may have been declared shall be given in manner hereinafter mentioned to the persons entitled to share therein.

102. No dividend shall bear interest against the company.

Accounts.

103. The directors shall cause true accounts to be kept—

(*a*) of the sums of money received and expended by the company, and the matter in respect of which such receipt and expenditure takes place; and

(*b*) of the assets and liabilities of the company.

104. The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.

105. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by law or authorised by the directors or by the company in general meeting.

106. Once at least in every year the directors shall lay before the company in general meeting a profit and loss account for the period since the preceding account or (in the case of the first account) since the incorporation of the company, made up to a date not more than six months before such meeting.

107. The profit and loss account shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting, and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

108. A balance-sheet shall be made out in every year and laid before the company in general meeting made up to a date not more than six months before such meeting. The balance-sheet shall be accompanied by a report of the directors as to the state of the company's affairs, and the amount which they recommend to be paid by way of dividend, and the amount (if any) which they propose to carry to a reserve fund.

109. A copy of the balance-sheet and report shall, seven days previously to the meeting, be sent to the persons entitled to receive notices of general meetings in the manner in which notices are to be given hereunder.

110. The directors shall in all respects comply with the provisions of sections 134 to 139 of the Mysore Companies Regulation, , or any statutory modification thereof for the time being in force.

Audit.

111. Auditors shall be appointed and their duties regulated in accordance with sections 148 and 149 of the Mysore Companies Regulation, or any statutory modification thereof for the time being in force.

Notices.

112. (*1*) A notice may be given by the company to any member either personally or by sending it by post to him to his registered address, or (if he has no registered address, in Mysore) to the address, if any, within Mysore supplied by him to the company for the giving of notices to him.

(2) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

113. If a member has no registered address in Mysore, and has not supplied to the company an address within Mysore for the giving of notices to him, a notice addressed to him and advertised in a newspaper circulating in the neighbourhood of the registered office of the company shall be deemed to be duly given to him on the day on which the advertisement appears.

114. A notice may be given by the company to the joint-holders of a share by giving the notice to the joint-holder named first in the register in respect of the share.

115. A notice may be given by the company to the persons entitled to a share in consequence of the death or insolvency of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or assignee of the insolvent or by any like description, at the address (if any) in Mysore supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or insolvency had not occurred.

116. Notice of every general meeting shall be given in some manner hereinbefore authorised to (*a*) every member of the company (including bearers of share-warrants) except those members who (having no registered address within Mysore) have not supplied to the company an address within Mysore for the giving of notices to them, and also to (*b*) every person entitled to a share in consequence of the death or insolvency of a member, who, but for his death or insolvency, would be entitled to receive notice of the meeting. No other person shall be entitled to receive notices of general meetings.

TABLE B.

(See sections 253 and 266.)

TABLE OF FEES TO BE PAID TO THE REGISTRAR.

I.—By a Company having a share capital.

	Rs.	a.	p.
1. For registration of a company whose nominal share capital does not exceed Rs. 20,000, a fee of	40	0	0
2. For registration of a company whose nominal share capital exceeds Rs. 20,000, the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital (that is to say)—			
For every 10,000 rupees of nominal share capital, or part of 10,000 rupees, after the first 20,000 rupees up to 50,000 rupees ...	20	0	0
For every 10,000 rupees of nominal share capital, or part of 10,000 rupees after the first 50,000 rupees up to 10,00,000 rupees ...	5	0	0
For every 10,000 rupees of nominal share capital, or part of 10,000 rupees, after the first 10,00,000 rupees	1	0	0
3. For registration of any increase of share capital made after the first registration of the company, the same fees per 10,000 rupees or part of 10,000 rupees, as would have been payable if such increased share capital had formed part of the original share capital at the time of registration:			
Provided that no company shall be liable to pay in respect of nominal share capital on registration, or afterwards, any greater amount of fees than 1,000 rupees taking into account, in the case of fees payable on an increase of share capital after registration, the fees paid on registration.			

	Rs. a. p.
4. For registration of any existing company, except such companies as are by this Regulation exempted from payment of fees in respect of registration under this Regulation, the same fee as is charged for registering a new company.	
5. For filing any document by this Regulation required or authorised to be filed, other than the memorandum or the abstract required to be filed with the registrar by a receiver or the statement required to be filed with the registrar by the liquidator in a winding up	5 0 0
6. For making a record of any fact by this Regulation authorised or required to be recorded by the registrar, a fee of	5 0 0

II.—By a company not having a share capital.

1. For registration of a company whose number of members, as stated in the articles of association, does not exceed 20	40 0 0
2. For registration of a company whose number of members, as stated in the articles of association, exceeds 20, but does not exceed 100 ...	100 0 0
3. For registration of a company whose number of members, as stated in the articles of association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members or less member than 50 members after the first 100.	
4. For registration of a company in which the number of members is stated in the articles of association to be unlimited, a fee of ...	400 0 0
5. For registration of any increase on the number of members made after the registration of the company, the same fees as would have been payable if such increase had been stated in the articles of association at the time of registration	5 0 0
Provided that no one company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the company.	
6. For registration of any existing company except such companies as are by this Regulation exempted from payment of fees in respect of registration under this Regulation, the same fee as is charged for registering a new company.	
7. For filing any document by this Regulation required or authorised to be filed, other than the memorandum or the abstract required to be filed with the registrar by a receever or the statement required to be filed with the registrar by the liquidator in a winding up	5 0 0
8. For making a record of any fact by this Regulation authorised or required to be recorded by the registrar, a fee of	5 0 0

THE SECOND SCHEDULE.

(See section 102.)

STATEMENT IN LIEU OF PROSPECTUS.

filed by

LIMITED,

pursuant to section 102 of the Mysore Companies Regulation,

Presented for filing by

THE MYSORE COMPANIES REGULATION, 19 .

LIMITED

STATEMENT IN LIEU OF PROSPECTUS.

The nominal share capital of the company	Rs.
Divided into	Shares of Rs. each.

The nominal share capital of the company	Rs.
Names, descriptions and addresses of directors or proposed directors and of the managers or proposed managers.	
Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment.	
Number and amount of shares and debentures agreed to be issued as fully or partly paid up otherwise than in cash.	1. shares of Rs. fully paid.
The consideration for the intended issue of those shares and debentures.	2. shares upon which Rs. per share credited as paid. 3. debenture Rs. 4. Consideration.
Names and addresses of (*a*) vendors of property purchased or acquired, (*b*) or proposed to be purchased or acquired by the company. Amount in (cash, shares or debentures) payable to each separate vendor.	
Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill.	Total purchase price Rs. Cash ... ... „ Shares ... ... „ Debentures ... ... „ Goodwill ... ... Rs.
Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company or	Amount paid. „ payable.
Rate of the commission	Rate per cent.
Estimated amount of preliminary expenses	Rs.
Amount paid or intended to be paid to any promoter ... Consideration for the payment	Name of promoter Amount Rs. Consideration :—
Dates of, and parties to every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the filing of this statement).	
Time and place at which the contracts or copies thereof may be inspected.	
Names and addresses of the auditors of the company (if any).	

(*a*) For definition of vendor, see section 98 of the Mysore Companies Regulation.

(*b*) See section 99 of the Mysore Companies Regulation.

The nominal share capital of the company	Rs.
Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.	
Whether the articles contain any provisions precluding holders of shares or debentures receiving and inspecting balance-sheets or reports of the auditors or other reports.	Nature of the provisions.

(Signature of the persons abovenamed as directors or proposed directors, or of their agents authorised in writing.)

THE THIRD SCHEDULE.

FORM A.

(See Sections 6 and 155.)

MEMORANDUM OF ASSOCIATION OF A COMPANY LIMITED BY SHARES.

1st—The name of the company is "The Eastern Steam Packet Company, Limited."

2nd.—The registered office of the company will be situate in the province of Bombay.

3rd.—The objects for which the company is established are "the conveyance of passengers and goods in ships or boats between such places as the company may from time to time determine, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The share capital of the company is two hundred thousand rupees, divided into one thousand shares of two hundred rupees each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses and Descriptions of Subscribers	Number of shares taken by each subscriber
1. A. B. of, Merchant	200
2. C. D., „ „	25
3. E. F., „ „	30
4. G. H., „ „	40
5. I. J., „ „	15
6. K. L., „ „	5
7. M. N., „ „	10
Total shares taken ...	325

Dated the day of 191 .

Witness to the above signatures,

X. Y., of .

FORM B.

(See sections 7 and 155.)

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE CAPITAL.

Memorandum of Association.

1st.—The name of the company is "The Mutual Calcutta Marine Association, Limited."

2nd.—The registered office of the company will be situate in Calcutta.

3rd.—The objects for which the company is established are "the mutual insurance of ships belonging to members of the company, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—Every member of the company undertakes to contribute to the assets of the company in the events of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding one hundred rupees.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

"1. A. B. of
"2. C. D. of
"3. E. F. of
"4. G. H. of
"5. I. J. of
"6. K. L. of
"7. M. N. of

Dated the day of

Witness to the above signatures.

X. V. of

ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING MEMORANDUM OF ASSOCIATION.

Number of Members.

1. The company for the purpose of registration is declared to consist of five hundred members.

2. The directors hereinafter mentioned may, whenever the business or the association requires it, register an increase of members.

Definition of Members.

3. Every person shall be deemed to have agreed to become a member of the company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings,

4. The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the company, and at such place, as the directors may determine.

5. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be called by any two members in the same manner as nearly as possible as that in which meeting are to be called by the directors.

6. The abovementioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

7. The directors may, whenever they think fit, and shall, on a requisition made in writing by any five or more members, call an extraordinary general meeting.

8. Any requisition made by the members must state the object of the meeting proposed to be called, and must be signed by the requisitionists and deposited at the registered office of the company.

9. On receipt of the requisition the directors shall forthwith proceed to call a general meeting: if they do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists or any other five members may themselves call a meeting.

Proceedings at General Meetings.

10. Fourteen days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of the business, shall be given to the members in manner hereinafter mentioned, or in such other manner (if any) as may be prescribed by the company in general meeting; but the non-receipt of such a notice by any member shall not invalidate the proceedings at any general meeting.

11. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordidary meeting with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of remuneration of the auditors.

12. No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of the business. The quorum shall be ascertained as follows (that is to say):—if the members of the company at the time of the meeting do not exceed ten in number, the quorum shall be five: if they exceed ten, there shall be added to the above quorum one for every five additional members with this limitation, that no quorum shall in any case exceed ten.

13. If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if called on the requisition of the members, shall be dissolved; in any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

14. The chairman (if any) of the directors shall preside as chairman at every general meeting of the company.

15. If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of that meeting.

16. The chairman may, with the consent of the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place,

17. At any general meeting, unless a poll is demanded by at least three members, a declaration by the chairman that a resolution has been carried, and an entry

to that effect in the book of proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.

18. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Votes of Members.

19. Every member shall have one vote and no more.

20. If any member is a lunatic or idiot, he may vote by his committee or other legal guardian.

21. No member shall be entitled to vote at any meeting unless all moneys due from him to the company have been paid.

22. On a poll votes may be given either personally or by proxy: Provided that no company shall vote by proxy as long as a resolution of its directors in accordance with the provisions of Section 78 of the Mysore Companies Regulation, is in force. A proxy shall be appointed in writing under the hand of the appointor, or, if such appointor is a corporation under its common seal.

23. (1) No person shall act as a proxy unless he is a member, or unless he is appointed to act at the meeting as proxy for a corporation.

(2) The instrument appointing him shall be deposited at the registered office of the company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

24. Any instrument appointing a proxy shall be in the following form:—

Company, Limited,

I, , of , being a Member of the Company, Limited, hereby appoint of as my proxy, to vote for me and on my behalf at the [ordinary or extraordinary, as the case may be] general meeting of the company to be held on the day of and at any adjournment thereof.

Signed this day of

Directors.

25. The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

26. Until directors are appointed, the subscribers of the memorandum of association shall, for all the purposes of the Mysore Companies Regulation, be deemed to be directors.

Powers of Directors.

27. The business of the company shall be managed by the directors, who may exercise all such powers of the company as are not by the Mysore Companies Regulation, or by any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

Elections of Directors.

28. The directors shall be elected annually by the company in general meeting.

Business of Company.

(Here insert *rules as to mode in which business of insurance is to be conducted.*)

Audit.

29. Auditors shall be appointed and their duties regulated in accordance with sections 148 and 149 of the Mysore Companies Regulation, or any statutory modifi-

cation thereof for the time being in force, and for this purpose the said sections shall have effect as if the word "members" were substituted for "shareholders," and as if "first general meeting" were substituted for "statutory meeting."

Notices.

30. A notice may be given by the company to any member either personally, or by sending it by post to him to his registered address.

31. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Names, Addresses and Descriptions of Subscribers.

"1. A. B. of
"2. C. D. of
"3. E. F. of
"4. G. H. of
"5. I. J. of
"6. K. L. of
"7. M. N. of

Dated the day of 19 .

Witness to the above signatures.

X. Y., of

FORM C.

(*See sections 7 and 155.*)

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY, LIMITED, BY GUARANTEE, AND HAVING A SHARE CAPITAL.

Memorandum of Association.

1st.—The name of the company is "The Snowy Range Hotel Company, Limited."

2nd.—The registered office of the company will be situate in the province of Bengal.

3rd.—The objects for which the company is established are "the facilitating travelling in the Snowy Range, by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th—The liability of the members is limited.

5th—Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up, while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company, contracted before he ceases to be a member, and the cost, charges and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding fifty rupees.

6th—The share capital of the company shall consist of five hundred thousand rupees, divided into five thousand shares of one hundred rupees each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into accompany in pursuance of this memorandum of association,

and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses and Descriptions of Subscribers	Number of shares taken by each Subscriber
"1. A. B. of	200
"2. C. D. of	25
"3. E. F. of	30
"4. G. H. of	40
"5. I. J. of	15
"6. K. L. of	5
"7. M. N. of	10
Total shares taken ...	325

Dated the *day of* *19* .

Witness to the above signatures.

X. Y., of

Articles of Association to accompany preceding Memorandum of Association.

1. The share capital of the company is five hundred thousand rupees, divided into five thousand shares of one hundred rupees each.

2. The directors may, with the sanction of the company in general meeting reduce the amount of shares in the company.

3. The directors may, with the sanction of the company in general meeting, cancel any shares belonging to the company.

4. All the articles of Table A of the Mysore Companies Regulation, shall be deemed to be incorporated with these articles and to apply to the company.

Names, Addresses and Descriptions of Subscribers.

"1. A. B. of , merchant.
"2. C. D. of
"3. E. F. of
"4. G. H. of
"5. I. J. of
"6. K. L. of
"7. M. N. of

Dated the *day of* *19* .

Witness to the above signatures.

X. Y., of

FORM D.

(*See sections 8 and 151.*)

MEMORANDUM AND ARTICLES OF ASSOCIATION OF AN UNLIMITED COMPANY HAVING A SHARE CAPITAL.

Memorandum of Association.

1st.—The name of the company is "The Patent Stereotype Company."

2nd.—The registered office of the company will be situate in the

3rd.—The objects for which the company is established are "the working of a patent method of founding and casting stereotype plates of which method P. Q., of , is the sole patentee."

We, the several persons whose names are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association, and we

respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses and Descriptions of Subscribers	Number of shares taken by each Subscriber
"1. A. B. of	3
"2. C. D. of	2
"3. E. F. of	1
"4. G. H. of	2
"5. I. J. of	2
"6. K. L. of	1
"7. M. N. of	1
Total shares taken ...	12

Dated the *day of* *19*

Witness to the above signatures.
X. Y., of

Articles of Association to accompany the preceding Memorandum of Association.

1. The share capital of the company is twenty thousand rupees, divided into twenty shares of one thousand rupees each.

2. All the articles of Table A of the Mysore Companies Regulation shall be deemed to be incorporated with these articles, and to apply to the company.

Names, Addresses and Descriptions of Subscribers.

"1. A. B. of , merchant.
"2. C. D. of
"3. E. F. of
"4. G. H. of
"5. I. J. of
"6. K. L. of
"7. M. N. of

Dated the *day of* *19*

Witness to the above signatures.
X. Y., of

FORM E.

AS REQUIRED BY PART II OF THE REGULATION.

(See section 32).

Summary of Share Capital and Shares of the Company, Limited, made up to the day of 19 (being the day of the first ordinary general meeting in 19).

Nominal share capital Rs.* divided } shares of Rs. each.
shares of Rs each.

Total number of shares taken up* to the day of 19 which number must agree with the total shown in the list as held by existing members.

Number of shares issued subject to payment wholly in cash.

Number of shares issued as fully paid up otherwise than in cash ... ...

Number of shares issued as partly up to the extent of per share otherwise than in cash.

* When there are shares of different kinds or amounts (*e.g.*, Preference and Ordinary or Rs. 200 or Rs. 100), state the numbers and nominal values separately.

* There has been called up on each—of shares ... ... Rs.
There has been called up on each—of shares ... ... Rs.
There has been called up on each—of shares ... ... Rs.
† Total amount of calls received, including payments on application and allotment Rs.
Total amount (if any) agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash ... ... Rs.
Total amount (if any) agreed to be considered as paid on shares which have been issued on partly paid up to the extent of per share ... ... Rs.
Total amount of calls unpaid ... ... Rs.
Total amount (if any) of sums paid by way of commission in respect of shares or debentures or allowed by way of discount since date of last summary ... Rs.
Total amount (if any) paid on ‡ shares forfeited ... ... Rs.
Total amount of shares and stock for which share-warrants are outstanding ... Rs.
Total amount of share-warrants issued and surrendered respectively since late of last summary ... ... Rs.
Number of shares or amount of stock comprised in each share-warrant ... Rs.
Total amount of debt due from the company in respect of all mortgages and charges which are required to be registered with the registrar under this Regulation ... ... Rs.

List of persons holding shares in the Company, Limited, on the day of 19 , and of persons who have held shares herein at any time since the date of the last return, showing their names and addresses and an account of the shares so held.

Folio in register ledger containing particulars	Names, addresses and occupations				Account of shares					
	Name in full	Father's name	Address	Occupation or caste	** Number of shares held by existing Members at date of return.	§ Particulars of shares transferred since the date of the last return by persons who are still Members.		§ Particular of shares transferred since the date of the last return by persons who have ceased to be Members.		Remarks
						Number ††	Date of registration of transfer.	Number ‡‡	Date of registration of transfer.	

Names and addresses of the persons who are the directors of the , Limited, on the day of 19 .

Names	Addresses

Names and addresses of the persons who are the managers of the , Limited, on the day of 19 .

Names	Addresses

NOTE.—Banking companies must add a list of all their places of business.

I, , do hereby certify that the above list and summary truly and correctly states the facts as they stood on the day of 19 .

(Signature).....

(State whether director, manager or secretary.)

* Where various amounts have been called or there are shares of different kinds, state them separately.
† Include what has been received on forfeited as well as on existing shares.
‡ State the aggregate number of shares forfeited.
** State the aggregate number of shares forfeited (if any).
†† The aggregate number of shares held, and not the distinctive numbers, must be stated and the column must be added up thoroughout so as to make one total to agree with that stated in the summary to have been taken up.
‡‡ When the shares are of different classes, these columns may be sub-divided so that the number of each class held or transferred may be shown separately
§ The date of registration of each transfer should be given as well as the number of shares transferred on each date. The particulars should be placed opposite the name of the transferor and not opposite that of the transferee, but the name of the transferee may be inserted in the remarks column immediately opposite the particulars of each transfer.

FORM F.

(See section 136.)

..... LIMITED.

Balance-sheet as at.....19 .

CAPITAL AND LIABILITIES.	Rs.	a.	p.	Rs.	a.	p.
CAPITAL—						
Authorised Capital.....shares of Rs.....each.	...	...	...			
Issued Capital.....shares of Rs.... ....each.	...	...	...			
Subscribed Capital.....shares of Rs.....each.	...	...	...			
Amount called up at Rs.....per share.	...	...	...			
Less—Calls unpaid	...	...	...			
	...	...	...			
Add—Forfeited shares (amount paid up).	...	...	...	...	...	...
RESERVE FUND OR DEVELOPMENT FUND.				...	...	...
ANY SINKING FUND				...	...	...
ANY OTHER FUND CREATED OUT OF NET PROFITS.				...	...	...
ANY PENSION OR INSURANCE FUND				...	...	...
PROVISION FOR BAD AND DOUBTFUL DEBTS.				...	...	...
LOANS ON MORTGAGE OR MORTGAGE DEBENTURE BONDS.				...	...	...
LOANS OTHERWISE SECURED ... (Stating the nature of security)				...	...	...
LOANS UNSECURED.						
INTEREST				...	...	...
Accrued on Mortgages, Debentures or other Secured Loans.						
UNCLAIMED DIVIDENDS				...	...	...
LIABILITIES				...	...	...
For Goods supplied	...	...	...			
„ Expenses	...	...	...			
„ Acceptances	...	...	...			
„ Other Finance	...	...	...			
ADVANCE PAYMENTS AND UNEXPIRED DISCOUNTS. (For the portion for which value has still to be given, *e.g.*, in the case of the following classes of Companies—Newspaper, Fire Insurance, Theater, Club, Banking, Steamship Companies, etc.)				...	...	...
PROFIT AND LOSS				...	...	...
Balance as per previous Balance Sheet.	...	...	...			
Less—Appropriation thereof ...	...	...	...			
Balance brought forward ...	...	...	...			
Profit since last Balance Sheet ...	...	...	...			
(*N.B.*—These details need not be given if the same be contained in a Profit and Loss Account attached to the Balance Sheet.)						
CONTINGENT LIABILITIES—				...	...	...
Claims against the Company not acknowledged as debts.	...	...	...			
Moneys for which the Company is contingently liable.	...	...	...			
Arrears of Cumulative Preference Dividends.	...	...	...			

PROPERTY AND ASSETS.	Rs.	a.	p.	Rs.	a.	p.
FIXED CAPITAL EXPENDITURE ...				...	...	...
(Distinguishing as far as possible between expenditure upon goodwill, land, buildings, leaseholds, railway sidings, plant, machinery, furniture, development of property, patents, trade marks and designs, interest paid out of capital during construction, etc., and stating in every case the original cost and the total Depreciation written off under each head.)						
PRELIMINARY EXPENSES ...				...	...	...
COMMISSION OR BROKERAGE ...				...	...	...
(Commission or Brokerage paid for underwriting or placing shares or debentures until written off.)				...	...	...
STORES AND SPARE GEAR ...				...	...	...
LOOSE TOOLS				...	...	...
LIVE STOCK				...	...	...
STOCK IN TRADE				...	...	...
(Stating mode of valuation, *e.g.*, cost of market-value.)						
BILLS OF EXCHANGE				...	...	...
BOOK DEBTS				...	...	...
(Distinguishing in the case of a Bank between those considered good and in respect of which the Bank is fully secured and those considered good for which the Bank holds no security other than the debtor's personal security, and distinguishing in all cases between debts considered good and debts considered doubtful or bad. Debts due by Directors or other officers of the company or any of them either severally or jointly with any other persons to be separately stated in call cases.)						
ADVANCES				...	...	...
(Recoverable in cash or in kind or for value to be received, *e.g.*, Rates, Taxes, Insurance, etc.)						
INVESTMENTS				...	...	...
(Nature of Investment and mode of valuation, *e.g.*, cost of market-value.)						
INTEREST ACCRUED ON INVESTMENTS.				...	...	...
CASH AND OTHER BALANCES ...				...	...	...
Amount in hand	...	...	...			
Balances with Agents and Bankers (in detail showing whether on deposit or current accounts, etc.)	...	...	...			
Profit and Loss (giving, in the case of a debit balance, details as far as possible as in the case of a credit balance.)				...	...	...
				...	...	...

FORM G.

(See section 140.)

FORM OF STATEMENT TO BE PUBLISHED BY BANKING AND INSURANCE COMPANIES AND DEPOSIT, PROVIDENT, OR BENEFIT SOCIETIES.

* The share capital of the company is Rs. divided into shares of each

The number of shares issued is Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the company on the thirty-first day of December (or thirtieth of June) were:—

Debts owing to sundry persons by the company.
Under decree, Rs.
On mortgages or bonds, Rs.
On notes, bills or hundis, Rs.
On other contracts, Rs.
On estimated liabilities, Rs.

The assets of the company on that day were:—
Government securities [stating them], Rs.
Bills of exchange, hundis and promissory notes, Rs.
Cash at the Bankers, Rs.
Other securities, Rs.

THE FOURTH SCHEDULE.

(See section 292.)

ENACTMENT REPEALED.

1	2	3	4
Year	No.	Subject or short title	Extent of repeal
1895	III	The Mysore Companies Regulation, 1895 ...	So much as has not been repealed

STATEMENT OF OBJECTS AND REASONS.

The law on the subject of Joint Stock Companies has recently been revised and consolidated in British India on the lines of the English Companies (Consolidation) Act of 1908. In Mysore, the law on this subject is contained in Regulation III of 1895, which was modelled on the British Indian law then in force. New and important provisions have been introduced into the Indian Company law by Act VII of 1913, and Act XI of 1914. The present Bill is intended to bring the law into conformity with that in British India.

* If the company has no capital divided into shares, the portion of the statement relating to capital and share must be omitted.

Registered No. M—1175.

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BANGALORE, THURSDAY, MARCH 23, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 7075—*L. B.* 185-12-3, *dated* 22*nd March* 1916.

In exercise of the powers conferred by Sections 34 and 35 of the Regulation, IV of 1906, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following amended rules for the special sanitation of the local area defined in the schedule appended to this notification :—

SECTION I—CONSTITUTION OF SANITARY BOARD.

1. For the proper and efficient administration of these rules in the said local area, there shall be formed a special Local Board distinct from, and independent of the Local Fund Board of the Kolar District, and styled "The Kolar Gold Fields Sanitary Board," which shall consist of fifteen members as specified below :—

Ex-officio Members.

(1) The Deputy Commissioner, Kolar District.
(2) The Special Magistrate or Chief Executive Officer of the Kolar Gold Fields.
(3) The Medical Officer of Health for the Kolar Gold Fields.
(4) The Government Inspector of Mines.
(5) The Superintendent of Police for the Kolar Gold Fields.
(6) The Executive Engineer of the Kolar Division.
(7) The District Medical Officer, Kolar Gold Fields.

Non-official Members.

(*a*) Seven residents of the said local area, one of whom shall be the Chief Medical Officer of the Mining Board, nominated annually by the Mining Board and approved by Government.

(*b*) One other non-official gentleman appointed annually by Government.

2. A non-official member absenting himself from three or more consecutive meetings of the Sanitary Board shall, unless such absence be condoned by Government, be deemed to have vacated his seat on the Board.

3. Where a non-official member of the Sanitary Board is, for any reasonable cause, prevented from attending any meeting of the Board, the Mining Board may nominate a temporary substitute for him on the Sanitary Board for the approval of Government.

4. The Deputy Commissioner shall be the President of the Sanitary Board, and the Special Magistrate or Chief Executive Officer of the Kolar Gold Fields, the Vice-President. The Vice-President shall exercise all the powers of the President during the absence of the President.

5. The Government shall appoint a Medical Officer of Health for the Kolar Gold Fields who will be the adviser of the Sanitary Board in matters of sanitation and be responsible to the Board for the proper and efficient administration of sanitary matters under the direction of the Board. The pay and allowances of this officer will be contributed from the funds of the Sanitary Board.

6. The Sanitary Board may, with the approval of Government, and from the funds from time to time placed at its disposal, appoint Sanitary Inspectors, Assistant Sanitary Inspectors and such establishments of mestries, sweepers, scavengers, watchers and other servants as may be necessary for the proper sanitation of the local area.

7. The Sanitary Board may, with the approval of Government, frame such bye-laws as it considers necessary for the conduct of its business and for the guidance of its members and servants.

8. The expression "Sanitary Officer" used in these rules means the Medical Officer of Health and includes a person duly empowered by the Sanitary Board to act as a Sanitary Officer either generally with regard to all matters, or specially with regard to any particular matter, dealt with under the rules. The Sanitary Board shall be at liberty to withdraw the power thus conferred at any time.

9. All proceedings of a Sanitary Officer under these rules shall be liable to revision by the Sanitary Board.

SECTION II—DISPOSAL OF REFUSE.

1. All kitchen and stable refuse, animal refuse, night-soil, and other impure matter shall be deposited in pits at spots selected by a Sanitary Officer, or in other receptacles assigned for the purpose unless destroyed by incineration. All such refuse, night-soil and other impure matter may be sold as manure or otherwise disposed of as may be directed by a Sanitary Officer, and the proceeds shall be credited to the Sanitary Board.

2. The Sanitary Board may frame, with the approval of Government, such bye-laws as may be necessary regulating the deposit and disposal by sale or otherwise of all kitchen and stable refuse, night-soil and other offensive or rubbish or impure matter; and preventing any such matter being deposited thrown or put in any street, or on any space, or on the bank of any water course, or nullah, except at such places, in such manner and at such hours as shall be fixed by the Sanitary Board.

SECTION III—WATER-SUPPLY.

1. Every well used for drinking purposes shall be a draw-well with a parapet wall not less than three feet in height, and uprights of stone, iron or wood shall be fixed with a pulley attachment for drawing water.

2. All wells and other sources of drinking water-supply may be disinfected with permanganate of potash, or other suitable disinfectant, whenever necessary, under the direction of a Sanitary Officer.

3. The Vice-President or the Medical Officer of Health may prohibit the use of any well, or order any well to be closed or filled up, which he considers insanitary and incapable of being made sanitary.

4. No person shall bathe or wash clothes or cattle in any tank or well, not specially set apart for the purpose; and no tank or well so set apart, shall be used for bathing by a person suffering from any contagious or infectious disease, or for washing the clothes of any such person, or for washing any animal suffering from such disease.

5. The Sanitary Board may, with the approval of Government, frame bye-laws.

(i) requesting the owner or occupier of any land to cut down, lop, prune or trim all trees or shrubs which in any way overhang or which they may deem likely to overhang any publice tank, well or other provision for water-supply as to pollute or be likely to pollute the water thereof, and

(ii) for securing the purity of sources of water-supply, whether public or private, for preventing people from drinking impure water, and for draining stagnant water.

SECTION IV—PREVENTION OF OVERCROWDING.

1. The Sanitary Board may, subject to the approval of the Government, make bye-laws to regulate the construction and restoration of buildings of every description, the materials of which they shall be made, their ventilation and drainage, the number of persons that may occupy them, and other similar matters, and to prevent the construction of buildings without adequate provision being made for the laying out and location of streets.

Explanation.—Unless there be anything repugnant to the subject or context, the word "Building" in these rules means a house, hut, shed or any structure, temporary or permanent, whether intended for human habitation or not and includes also a wall.

2. No building of any description shall be erected without the permission, in writing, of the President, Sanitary Board, who may, after obtaining the advice of the Medical Officer of Health, grant or refuse such permission. In the event of the said permission being refused, the reasons for such refusal shall be stated.

3. Permission of the Sanitary Board shall be presumed to have been granted if within one month from receipt of notice the President does not signify his approval or disapproval of the proposal of the applicant: provided that such construction or restoration be otherwise in accordance with the provisions of these rules.

4. Every application for permission to build shall be in writing and presented to a Sanitary Officer, and shall contain the following particulars :—

(*a*) Name of locality:
(*b*) Size of building:
(*c*) Description of building and number of rooms with their dimensions:
(*d*) Number of doors and windows with measurements:
(*e*) Purpose for which the building is to be erected, and, where it is to be used as a dwelling, the number of persons who are to occupy it:
(*f*) Arrangements for drainage:
(*g*) Location of the latrine:
(*h*) The level at which the foundation and lowest floor of such buildings are proposed to be laid:
(*i*) Nature of flooring:
(*j*) Provision of roof ventilation:
(*k*) Nature of roof:
(*l*) Time for completion:

Provided that no such application or permission as aforesaid shall be required in the case of a building erected by or under the authority of a Superintendent of a Mine and intended to be used for mining purposes only and not as a dwelling.

5. With the previous sanction in writing of the Sanitary Board, or in urgent cases, of the President of the Sanitary Board, a Sanitary Officer may cause any building, erected in contravention of the provisions of this section to be pulled down or altered, after giving 24 hours' notice in writing to the occupant or owner thereof.

6. The owner of every uninhabited building or portion of a building, which is in a dilapidated and dangerous condition, shall be bound when required, in writing by the Sanitary Board, to dismantle the same and to have the walls levelled to the ground.

7. (1) The Sanitary Board may, at any time, in manner hereinafter prescribed, take steps to a bate overcrowding in buildings.

(2) Whenever the Board consider the interior of a building is so overcrowded as to be, or to be likely to become, dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Board may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

(3) Such Magistrate may, on the production of a certificate by a medical officer duly authorised or empowered by the Board or the Government, stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inamtes of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(4) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall for the purpose of sub-section (3) be deemed to be the owner of the building.

(5) It shall be incumbent on any owner to whom any requisition is issued under sub-section (3), forthwith to give to so many of the lodgers, tenants or other actual inamtes of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

8. Any owner of a building who, after the date specified in any requisition issued under sub-section (3) of section 7, permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (5) of the said section, shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding or such omission to vacate, continues, provided that the total amount of the fine does not exceed Rs. 100.

SECTION V—DRAINS AND LATRINES.

1. The owner of every bazaar or dwelling shall provide a suitable drain of such pattern as may be approved by the Sanitary Board, in front and in rear of such bazaar or dwelling, unless a Sanitary Officer decides that such drain is unnecessary, and shall, if specially ordered by the President, provide a similar drain within the premises of such bazaar or dwelling, and shall keep the said drain or drains clean. On failure to comply with this rule, the President may give the owner or occupant of such bazaar or dwelling 48 hours' notice in writing to provide or to clean such drain or drains, and may, if such notice is not complied with, construct or clean such drain or drains, and recover the cost of doing so from the owner or occupier.

2. No person shall construct or maintain a privy pit or latrine within the walls of any building without permission in writing from a Sanitary Officer, or otherwise than in conformity with his directions.

Provided that dwellings belonging to classes among whom females do not appear in public may be provided with a latrine or privy pit of such description and in such place within the premises as may be approved by a Sanitary Officer, and the same shall be open to periodical inspection by any Sanitary Officer and shall be kept clean.

3. Public latrines shall be provided at such places, in such numbers and of such description as may be prescribed by the Sanitary Board.

4. No person shall ease himself near or outside a latrine, or in or about any road, public pathway, well or building, or on the banks or beds of any springs, streams or tanks, or in any place where such act has been specially forbidden by the Sanitary Board.

5. Every person employing workmen, labourers or other persons, exceeding ten in number, on any work, shall be bound, unless the same is considered unnecessary by a Sanitary Officer, to erect and to keep clean and in repair, a suitable double latrine for the use of the persons so employed. On the failure of any person to comply with this rule, a Sanitary Officer, may, after 24 hours' notice in writing to such person, cause a double latrine as aforesaid to be constructed, cleaned, or repaired as the case may be, and levy the cost thereof from such person.

6. The Sanitary Board may, with the approval of Government, frame bye-laws regulating, in any other particular not specifically provided for by these rules, the construction, maintenance and control of drains, sewers, ventilation, shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals and drainage and sewerage works of every description whether the property of the Sanitary Board or not.

SECTION VI—KEEPING AND SLAUGHTER OF LIVE-STOCK, ETC.

1. Unless with the permission of the Sanitary Board, no cattle, sheep, goats or pigs shall be kept within 30 feet of any building used as a shop or dwelling, nor shall sheds for such animals be erected nearer than 20 yards of any such building.

2. No animals shall be slaughtered within 100 yards of any building, source of water-supply, or public road or way, except with the permission in writing of a Sanitary Officer, or otherwise than within enclosures erected for the purpose on such sites as may be selected or approved of by the Sanitary Board.

3. No place shall be used for slaughtering cattle, sheep, goats or pigs without a license from the Sanitary Board.

4. A Sanitary Officer may permit any person or persons to kill, without license and without payment of any fee, any animal at any place on the occasion of festivals and ceremonies or as a special measure.

5. All slaughtering of animals shall take place within such hours as the Sanitary Board may prescribe, after which all skins, carcasses, bones, horns, and offal must be removed and the premises cleaned by the owner or contractor.

6. The owner or contractor of every market, slaughterhouse, or other place used for slaughtering animals shall pay to Government such fees as it may prescribe from time to time; and every person bringing an animal for slaughter to such market, slaughterhouse, or other place, shall pay to the owner or contractor thereof a fee according to the following scale:—

	As.
Bullock	6
Cow	6
Buffalo	6
Calf	6
Sheep	2
Goat	2
Pig	4

7. Every owner of a market, or of any slaughterhouse, or other place used for slaughtering animals, shall provide such drains and cess-pits therein and such

floor therefor as may be considered necessary by a Sanitary Officer; also a supply of water sufficient for keeping such market, slaughterhouse or other place in a clean and wholesome condition.

8. No place shall be used for selling or storing or exposing for sale, meat, poultry, fish, fruit, vegetables, grain or other articles of human consumption, without a license to be granted in accordance with such bye-laws as the Sanitary Board may frame with the approval of Government.

9. The Sanitary Board may, with the approval of Government, frame bye-laws for inspection of all places used for the keeping of animals and also for the proper management and inspection of slaughterhouses.

SECTION VII—BURIAL AND BURNING GROUNDS.

1. No person shall bury or burn dead bodies or cause the same to be buried or burnt in any place other than the burial or burning ground duly appointed for the purpose by or under the orders of the Government.

2. No person shall build or dig, or cause to be built or dug, a grave in any ground so appointed, at a less distance than two feet from any existing grave; and no grave shall be less than six feet in depth.

3. The Sanitary Board may, with the approval of Government, frame bye-laws for the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead.

SECTION VIII—PREVENTION AND TREATMENT OF INFECTIOUS AND CONTAGIOUS DISEASES.

1. Every person shall be bound to give immediate information to the Chief-Sanitary Inspector, Divisional Sanitary Inspector, Mining Sanitary Inspector or Overseer or in the case of persons living in villages in the area under the Sanitary Board of Kolar Gold Fields, to the patel of their village, of any case of infectious, or contagious disease, or of death from such disease coming to his knowledge.

2. During an epidemic of any infectious or contagious disease, any householder or private Medical practitioner who may have a knowledge of an illness in which symptoms of the prevailing infectious or contagious disease are exhibited or of a death likely to be due to such prevalent epidemic sickness, shall be bound to give immediate information of such illness or death, to one or other of the authorities mentioned in the preceding clause.

3. It shall be the duty of the person to whom such information is given to institute or cause to be instituted immediate inquiry as to the nature of such disease or the cause of such death and to report the result of such inquiry to a Sanitary Officer.

4. Any person found suffering from cholera, small-pox, plague or other infectious or contagious disease, may be removed to a hospital set apart for the treatment of such diseases, by a written order from a Sanitary Officer; and all persons residing in the building in which such disease occurs may be segregated by a similar order.

5. Persons infected or suspected to be infected with any such disease, and persons residing in a locality in which such disease, has occurred, may be prohibited by a written order from a Sanitary Officer from leaving such locality unless and until a Sanitary Officer certifies that they may safely be permitted to leave such locality.

SECTION IX—GENERAL.

1. No person shall feed or cause to be fed any milch-cow or animal suitable for human food on night-soil, stable litter or other refuse or deleterious matter, or

allow any latrine, cesspool or receptacle for filth, or any house or premises to remain in a filthy condition after six hours' notice from a Sanitary Officer, or

neglect to comply with an order from a Sanitary Officer to whitewash or disinfect any premises which he owns or occupies, or to clean, repair, fill up, or cover any well, tank, reservoir, marshy ground, or excavation, or remove rank vegetation or other matter within such premises, or

being afflicted with a loathsome, infectious or contagious disease, expose for sale any article of food or drink, or

carry or cause to be carried along any public thoroughfare any article that has been used by or has been in contact with any person suffering or convalescing from any infectious or contagious disease, or

obstruct any person appointed under these Rules for the purposes of sanitation.

2. The Sanitary Board may, with the approval of Government, frame bye-laws for

(i) the regulation and inspection of bakeries and ærated water factories,

(ii) the registration of briths and deaths and enforcing the supply of information as may be necessary to make such registration compulsory and

(iii) the inspection and proper sanitation of markets.

SCHEDULE.

LOCAL AREA FOR WHICH THE RULES ARE MADE.

The following villages in and around the Kolar Gold Fields:—

Doddur Karpahahalli, Doddurhalli, Madamuttanahalli, Hulkund, Badmakanhalli, Aisandra, Kadregowdankote, Pedadampalli Raddihalli, Thammenhalli, Kamsandra, Nagasettihalli, Shimanbandi, Guvanhalli, Chinpalli, Katampalli, Gatrayagadahalli, Peddapalli, Uriga, Yarnaganahalli, Sonkoppa, Parandahalli, Nachihalli, Putepalli, Nakkanhalli, Mashiga, Kambadhalli, Kempathimmanhalli Gonimakanhalli, Gangadoddi, Markoppa, Suranhalli, Tummanpalli, Balganhalli, Kotur, Giddegaudanhalli, Chinnaganhalli, Kalkembli, Dod Kembli, Baiganpalli Lakshmisagara, Gattamadamangala, Balligere, Byatarayanhalli, Dod Kalhalli, Kempapur, Tanimadagu, Tulampalli, Armanhalli, Pura, Bodgurke, Jangutta, Lakkenhalli, Thavarikere, Pedamaripalli, Chinmaripalli, Pitchahalli, Dahanhalli, Bogisonnepalli, Ookrahalli, Boginhalli, Byraganhalli, Burgamakanhalli, Dodvalagamadi, Shingarahalli, Aimarspura, Pedchinapalli, Maliyangurki, Amanikere, Maliyangurki, Ajampalli, Devganpalli, Soregowdankote, Chinkote, Kattihalli, Dasarahosahalli, Nerlekere, Thammanhalli, Kavaruhalli, Aithandahalli, Gatkamaddenhalli with its Muzra village of Pitchapalli, Krishnarajpur.

No. 7076—*L. B.* 185-12-4, *dated* 22*nd March* 1916.

In exercise of the powers conferred by Sections 34 and 35 of the Mysore Mines Regulation, IV of 1906, the Government of His Highness the Maharaja of Mysore, are pleased to direct that, pending the framing of bye-laws by the Kolar Gold Fields Sanitary Board under the powers vested in them in Notification No. 7075—L. B. 185-12-3, dated 22nd March 1916, such of the existing rules as are not included in the said notification and all the existing bye-laws shall continue in force.

By Order,
P. G. D'SOUZA,
Secretary to Government,
In charge Revenue Department.

No. 306—L. C., dated the 17th March 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information together with the Bill as amended by the Committee.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888.

We, the members of the Select Committee appointed to consider the Bill further to amend the Mysore Land Revenue Code, 1888, have the honor to submit the following report to the Council, with the Bill as amended by us.

We have examined the Bill carefully and have retained the following words now occurring in Section 54, *viz.*, "by the occupant or holder or any of his predecessors in title or in any wise subsisting against such occupant or holder" for the words "in favour of any person other than Government in respect of such occupancy or holding" occurring in the Bill. The words substituted are wider than the terms of the present section and it was considered unnecessary to make any alteration on this point.

The Bill as amended by us may be passed.

The Bill may also be republished in the Gazette.

H. V. NANJUNDAYYA,
M. KANTARAJ URS,
K. S. DORASWAMI IYER,
K. P. PUTTANNA CHETTY,
B. NARASINGA RAO.

(NOTE.—Mr. K. R. Srinivasiengar, also a member of the Select Committee, was absent.)

A Bill further to amend the Mysore Land Revenue Code, 1888.

(As amended by the Select Committee.)

[The portion in square brackets is that omitted by the Select Committee and that in italics newly added by them.]

WHEREAS it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

Substitution of a new section for section 54 of the Regulation.

For section 54 of the Regulation the following new section shall be substituted, *viz*:—

Land Revenue a paramount charge on land.

"54. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233, and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by transfer to another person or otherwise howsoever, except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created [in favour of any person other than Government in respect of such occupancy or holding] *by the occupant or holder or any of his predecessors in title or in anywise subsisting as against such occupant or holder.*"

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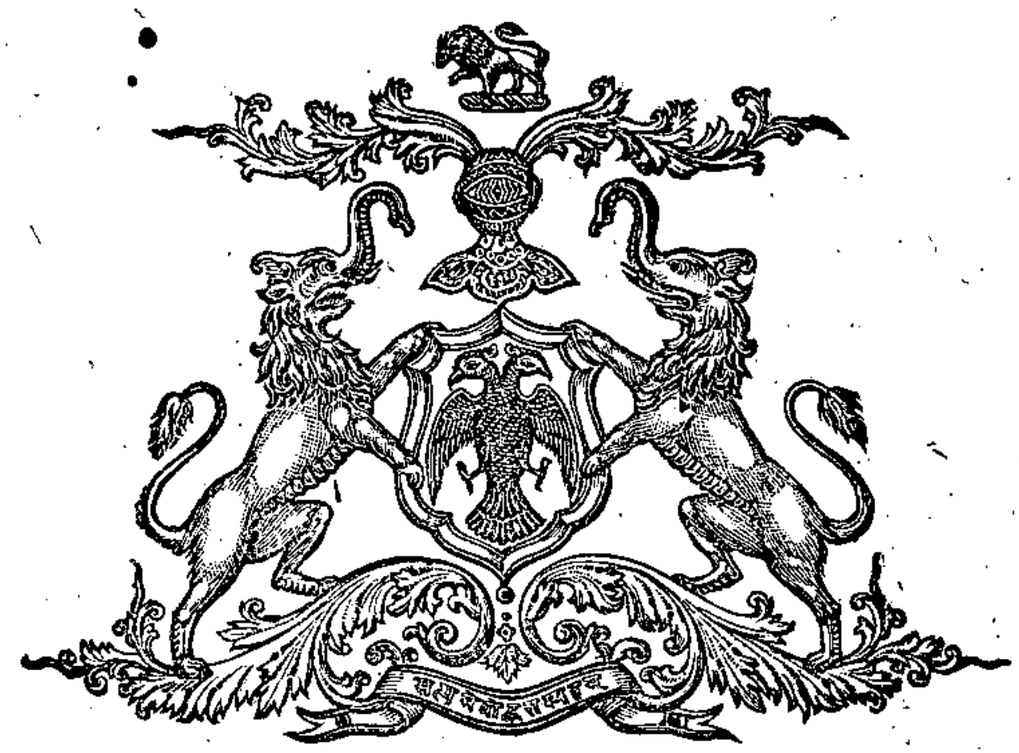

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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 287—L. C., dated 1st February 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the following Bill to amend the law relating to the Transfer of Property by Act of Parties, is published for general information together with a statment of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

THE TRANSFER OF PROPERTY BILL.

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THE SCHEDULE.

A Bill to amend the law relating to the Transfer of Property by Act of Parties.

Preamble.

WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Regulation may be called the Transfer of Property Regulation.

Commencement.

It shall come into force on the first day of

Extent.

It extends to the whole of Mysore.

Repeal.

2. The enactment specified in the schedule hereto annexed shall be repealed to the extent therein mentioned. But nothing herein contained shall be deemed to affect—

Saving of certain enactments, incidents, rights, liabilities, etc.

(*a*) the provisions of any enactment not hereby expressly repealed:

(*b*) any terms or incidents of any contract or constitution of property which are consistent with the provisions of this Regulation and are allowed by the law for the time being in force:

(*c*) any right or liability arising out of a legal relation constituted before this Regulation comes into force, or any relief in respect of any such right or liability: or

(*d*) save as provided by section 57 and Chapter IV of this Regulation any transfer by operation of law or by, or in execution of, a decree or order of a Court of competent jurisdiction:

and nothing in the second chapter of this Regulation shall be deemed to affect any rule of Hindu, Muhammadan or Budhist law.

Interpretation clause.

3. In this Regulation, unless there is something repugnant in the subject or context,—

"immovable property" does not include standing timber, growing crops or grass:

"instrument" means a non-testamentary instrument:

"registered" means registered in Mysore under the law for the time being in force regulating the registration of documents:

"attached to the earth" means—

(*a*) rooted in the earth, as in the case of trees and shrubs;

(*b*) imbedded in the earth, as in the case of walls or buildings; or

(*c*) attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached:

"actionable claim" means a claim to any debt, other than a debt secured by mortgage of immovable property or by hypothecation or pledge of movable property, or to any beneficial interest in movable property not in the possession, either actual or constructive, of the claimant, which the Civil Courts recognize as affording grounds for relief, whether such debt or beneficial interest be existent, accruing, conditional or contingent;

and a person is said to have "notice" of a fact when he actually knows that fact, or when but for willful abstention from an enquiry or search which he ought to have made, or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, 1872, Section 229.

Enactments relating to contracts to be taken as part of Contract Act.

4. The chapters and sections of this Regulation which relate to contracts shall be taken as part of the Indian Contract Act, 1872.

And sections 54, paragraphs 2 and 3, 59, 94 and 110 shall be read as supplemental to the Mysore Registration Regulation, 1903.

CHAPTER II.

OF TRANSFERS OF PROPERTY BY ACT OF PARTIES.

(A) *Transfer of Property whether movable or immovable.*

"Transfer of property" defined.

5. In the following sections "transfer of property" means an act by which a living person conveys property in present or in future, to one or more other living persons, or to himself and one or more living persons; and "to transfer property" is to perform such act.

What may be transferred.

6. Property of any kind may be transferred, except as otherwise provided by this Regulation or by any other law for the time being in force.

(*a*) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other mere possibility of a like nature, cannot be transferred.

(*b*) A mere right of re-entry for breach of a condition subsequent cannot be transferred to any one except the owner of the property affected thereby.

(*c*) An easement cannot be transferred apart from the dominant heritage.

(*d*) An interest in property restricted in its enjoyment to the owner personally cannot be transferred by him.

(*e*) A mere right to sue cannot be transferred.

(*f*) A public office cannot be transferred, nor can the salary of a public officer, whether before or after it has become payable.

(*g*) Stipends allowed to military and civil pensioners of Government and political pensions cannot be transferred.

(*h*) No transfer can be made (1) in so far as it is opposed to the nature of the interest affected thereby, or (2) for an unlawful object or consideration within the meaning of section 23 of the Indian Contract Act, 1872, or (3) to a person legally disqualified to be transferee.

(*i*) Nothing in this section shall be deemed to authorize a tenant having an untransferable right of occupacy or the farmer of an estate in respect of which default has been made in paying revenue to assign his interest as such tenant or farmer.

Persons competent to transfer.

7. Every person competent to contract and entitled to transferable property, or authorized to dispose of transferable property, not his own, is competent to transfer such property either wholly or in part, and either absolutely or conditionally, in the circumstances, to the extent and in the manner allowed and prescribed by any law for the time being in force.

Operation of transfer.

8. Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property, and in the legal incidents thereof.

Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth;

and, where the property is machinery attached to the earth, the movable parts thereof;

and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows, and all other things provided for permanent use therewith;

and, where the property is a debt or other actionable claim, the securities therefor (except where they are also for other debts or claims not transferred to the transferee) but not arrears of interest accrued before the transfer;

and, where the property is money or other property yielding income, the interest or income thereof accruing after the transfer takes effect.

Oral transfer.

9. A transfer of property may be made without writing in every case in which a writing is not expressly required by law.

Condition restraining alienation.

10. Where property is transferred subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property the condition or limitation is void, except in the case of a lease where the condition is for the benefit of the lessor or those claiming under him: Provided that property may be transferred to or for the benefit of a woman (not being a Hindu, Muhammadan or Budhist), so that she shall not have power during her marriage to transfer or charge the same or her beneficial interest therein.

Restriction repugnant to interest created.

11. Where, on a transfer of property, an interest therein is created absolutely in favour of any person, but the terms of the transfer direct that such interest shall be applied or enjoyed by him in a particular manner, he shall be entitled to receive and dispose of such interest as if there were no such direction.

Nothing in this section shall be deemed to affect the right to restrain, for the beneficial enjoyment of one piece of immovable property, the enjoyment of another piece of such property or to compel the enjoyment thereof in a particular manner.

Condition making interest determinable on insolvency or attempted alienation.

12. Where property is transferred subject to a condition or limitation making any interest therein, reserved or given to or for the benefit of any person, to cease on his becoming insolvent or endeavouring to transfer or dispose of the same, such condition or limitation is void.

Nothing in this section applies to a condition in a lease for the benefit of the lessor or those claiming under him.

Transfer for benefit of unborn person.

13. Where, on a transfer of property, an interest therein is created for the benefit of a person not in existence at the date of the transfer, subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect, unless it extends to the whole of the remaining interest of the transferor in the property.

Illustration.

A transfers property of which he is the owner to B in trust for A and his intended wife successively for their lives, and after the death of the survivor, for the eldest son of the intended marriage for life, and after his death for A's second son. The interest so created for the benefit of the eldest son does not take effect, because it does not extend to the whole of A's remaining interest in the property.

Rule against perpetuity.

14. No transfer of property can operate to create an interest which is to take effect after the life-time of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong.

Transfer to class some of whom come under sections 13 and 14.

15. If, on a transfer of property, an interest therein is created for the benefit of a class of persons with regard to some of whom such interest fails by reason of any of the rules contained in sections 13 and 14, such interest fails as regards the whole class.

16. Where an interest fails by reason of any of the rules contained in sections 13, 14 and 15, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.

Transfer to take effect on failure of a prior transfer.

17. The restrictions in sections 14, 15 and 16 shall not apply to property transferred for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety or any other object beneficial to mankind.

Transfer in perpetuity for benefit of public.

18. Where the terms of a transfer of property direct that the income arising from the property shall be accumulated, such direction shall be void, and the property shall be disposed of as if no accumulation had been directed.

Direction for accumulation.

Exception.—Where the property is immoveable or where accumulation is directed to be made from the date of the transfer, the direction shall be valid in respect only of the income arising from the property within one year next following such date; and at the end of the year such property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made has elapsed.

19. Where, on a transfer of property, an interest therein is created in favour of a person without specifying the time when it is to take effect, or in terms specifying that it is to take effect forthwith or on the happening of an event which must happen, such interest is vested, unless a contrary intention appears from the terms of the transfer.

Vested interest.

A vested interest is not defeated by the death of the transferee before he obtains possession.

Explanation.—An intention that an interest shall not be vested is not to be inferred merely from a provision whereby the enjoyment thereof is postponed, or whereby a prior interest in the same property is given or reserved to some other person, or whereby income arising from the property is directed to be accumulated until the time of enjoyment arrives or from a provision that if a particular event shall happen the interest shall pass to another person.

20. Where, on a transfer of property, an interest therein is created for the benefit of a person not then living, he acquires upon his birth, unless a contrary intention appear from the terms of the transfer, a vested interest, although he may not be entitled to the enjoyment thereof immediately on his birth.

When unborn person acquires vested interest on transfer for his benefit.

21. Where, on a transfer of property, an interest therein is created in favour of a person to take effect only on the happening of a specified uncertain event, or if a specified uncertain event shall not happen, such person thereby acquires a contingent interest in the property. Such interest becomes a vested interest in the former case, on the happening of the event, in the latter, when the happening of the event becomes impossible.

Contingent interest.

Exception.—Where, under a transfer of property, a person becomes entitled to an interest therein upon attaining a particular age, and the transferor also gives to him absolutely the income to arise from such interest before he reaches that age, or directs the income or so much thereof as may be necessary to be applied for his benefit, such interest is not contingent.

22. Where, on a transfer of property, an interest therein is created in favour of such members only of a class as shall attain a particular age, such interest does not vest in any member of the class who has not attained that age.

Transfer to members of a class who attain a particular age.

23. Where, on a transfer of property, an interest therein is to accrue to a specified person if a specified uncertain event shall happen and no time is mentioned for the occurrence of that event, the interest fails unless such event happens before, or at the same time as, the intermediate or precedent interest ceases to exist.

Transfer contingent on happening of specified uncertain event.

24. Where, on a transfer of property, an interest therein is to accrue to such of certain persons as shall be surviving at some period, but the exact period is not specified, the interest shall go to such of them as shall be alive when the intermediate or precedent interest ceases to exist, unless a contrary intention appears from the terms of the transfer.

Transfer to such of certain persons as survive at some period not specified.

Illustration.

A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the life of B. D survives B. At B's death the property passes to D.

25. An interest created on a transfer of property and dependent upon a condition fails if the fulfilment of the condition is impossible, or is forbidden by law, or is of such a nature that, if permitted, it would defeat the provisions of any law, or is fraudulent, or involves or implies injury to the person or property of another, or the Court regards it as immoral or opposed to public policy.

Conditional transfer.

Illustrations.

(*a*) A lets a farm to B on condition that he shall walk a hundred miles in an hour. The lease is void.

(*b*) A gives Rs. 500 to B on condition that he shall marry A's daughter C. At the date of the transfer C was dead. The transfer is void.

(*c*) A transfers Rs. 500 to B on condition that he shall murder C. The transfer is void.

(*d*) A transfers Rs. 500 to his niece C if she will desert her husband. The transfer is void.

26. Where the terms of a transfer of property imposed a condition to be fulfilled before a person can take an interest in the property, the condition shall be deemed to have been fulfilled if it has been substantially complied with.

Fulfilment of condition precedent.

Illustrations.

(*a*) A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. E dies. B marries with the conset of C and D. B is deemed to have fulfilled the condition.

(*b*) A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage. B has not fulfilled the condition.

27. Where, on a transfer of property, an interest therein is created in favour of one person, and by the same transaction an ulterior disposition of the same interest is made in favour of another, if the prior disposition under the transfer shall fail, the ulterior disposition shall take effect upon the failure of the prior disposition, although the failure may not have occurred in the manner contemplated by the transferor.

Conditional transfer to one person coupled with transfer to another on failure of prior disposition.

But, where the intention of the parties to the transaction is that the ulterior disposition shall take effect only in the event of the prior disposition failing in a particular manner, the ulterior disposition shall not take effect unless the prior disposition fails in that manner.

Illustrations.

(*a*) A transfers Rs. 500 to B on condition that he shall execute a certain lease within three months after A's death, and, if he should neglect to do so, to C. B dies in A's lifetime. The disposition in favour of C takes effect.

(*b*) A transfers property to his wife ; but, in case she should die in his life-time, transfers to B that which he had transferred to her. A and his wife perish together under circumstances which make it impossible to prove that she died before him. The disposition in favour of B does not take effect.

Ulterior transfer conditional on happening or not happening of specified event.

28. On a transfer of property an interest therein may be created to accrue to any person with the condition superadded that in case a specified uncertain event shall happen such interest shall pass to another person, or that in case a specified uncertain event shall not happen such interest shall pass to another person. In each case the dispositions are subject to the rules contained in sections 10, 12, 21, 22, 23, 24, 25 and 27.

Fulfilment of condition subsequent.

29. An ulterior disposition of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Illustration.

A transfers Rs. 500 to B, to be paid to him on his attaining his majority or marrying, with a proviso that, if B dies a minor or marries without C's consent, the Rs. 500 shall go to D. B marries when only 17 years of age, without C's consent. The transfer to D takes effect.

Prior disposition not affected by invalidity of ulterior disposition.

30. If the ulterior disposition is not valid, the prior disposition is not affected by it.

Illustration.

A transfers a farm to B for her life, and, if she do not desert her husband, to C. B is entitled to the farm during her life as if no condition had been inserted.

Condition that transfer shall cease to have effect in case specified uncertain event happens or does not happen.

31. Subject to the provisions of section 12, on a transfer of property an interest therein may be created with the condition superadded that it shall cease to exist in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Illustrations.

(*a*) A transfers a farm to B for his life, with a proviso that, in case B cuts down a certain wood, the transfer shall cease to have any effect. B cuts down the wood. He loses his life-interest in the farm.

(*b*) A transfers a farm to B, provided that, if B shall not go to England within three years after the date of the transfer, his interest in the farm shall cease. B does not go to England within the term prescribed. His interest in the farm ceases.

Such condition must not be invalid.

32. In order that a condition that an interest shall cease to exist may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of the creation of an interest.

Transfer conditional on performance of act, no time being specified for performance.

33. Where, on a transfer of property, an interest therein is created subject to a condition that the person taking it shall perform a certain act, but no time is specified for the performance of the act, the condition is broken when he renders impossible, permanently or for an indefinite period, the performance of the act.

Transfer conditional on performance of act, time being specified.

34. Where an act is to be performed by a person either as a condition to be fulfilled before an interest created on a transfer of property is enjoyed by him, or as a condition on the non-fulfilment of which the interest is to pass from him to another person, and a time is specified for the performance of the act, if such performance within the specified time is prevented by the fraud of a person who would be directly benefited by non-fulfilment of the condition, such further time shall as against him be allowed for performing the act as shall be requisite to make up for the delay caused by such fraud. But if no time is specified for the performance of the act, then, if its performance is by the fraud of a person interested in the non-fulfilment of the condition rendered impossible or indefinitely postponed, the condition shall as against him be deemed to have been fulfilled.

Election.

Election when necessary.

35. Where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers any benefit on the owner of the property, such owner must elect either to confirm such transfer or to dissent from it; and in the latter case he shall relinquish the benefit so conferred, and the benefit so relinquished shall revert to the transferor or his representative as if it had not been disposed of, subject nevertheless,

where the transfer is gratuitous, and the transferor has, before the election, died or otherwise become incapable of making a fresh transfer,

and in all cases where the transfer is for consideration,

to the charge of making good to the disappointed transferee the amount or value of the property attempted to be transferred to him.

Illustrations.

The farm of Sultanpur is the property of C and worth Rs. 800. A by an instrument of gift professes to transfer it to B, giving by the same instrument Rs. 1,000 to C. C elects to retain the farm. He forfeits the gift of Rs. 1,000.

In the same case, A dies before the election. His representative must out of the Rs. 1,000 pay Rs. 800 to B.

The rule in the first paragraph of this section applies whether the transferor does or does not believe that which he professes to transfer to be his own.

A person taking no benefit directly under a transaction, but deriving a benefit under it indirectly, need not elect.

A person who in his one capacity takes a benefit under the transaction may in another dissent therefrom.

Exception to the last preceding four rules.—Where a particular benefit is expressed to be conferred on the owner of the property which the transferor professes to transfer, and such benefit is expressed to be in lieu of that property, if such owner claim the property, he must relinquish the particular benefit, but he is not bound to relinquish any other benefit conferred upon him by the same transaction.

Acceptance of the benefit by the person on whom it is conferred constitutes an election by him to confirm the transfer, if he is aware of his duty to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives enquiry into the circumstances.

Such knowledge or waiver shall, in the absence of evidence to the contrary, be presumed, if the person on whom the benefit has been conferred has enjoyed it for two years without doing any act to express dissent.

Such knowledge or waiver may be inferred from any act of his which renders it impossible to place the persons interested in the property professed to be transferred in the same condition as if such act had not been done.

Illustration.

A transfers to B an estate to which C is entitled, and as part of the same transaction gives C a coal-mine. C takes possession of the mine and exhausts it. He has thereby confirmed the transfer of the estate to B.

If he does not within one year after the date of the transfer signify to the transferor or his representatives his intention to confirm or to dissent from the transfer, the transferor or his representatives may, upon the expiration of that period, require him to make his election; and, if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the transfer.

In case of disability, the election shall be postponed until the disability ceases, or until the election is made by some competent authority.

Apportionment.

Apportionment of periodical payments on determination of interest of person entitled.

36. In the absence of a contract or local usage to the contrary, all rents, annuities, pensions, dividends and other periodical payments in the nature of income shall, upon the transfer of the interest of the person entitled to receive such payments, be deemed, as between the transferor and transferee, to accrue due from day to day, and to be apportionable accordingly, but to be payable on the days appointed for the payment thereof.

Apportionment of benefit of obligation on severance.

37. When, in consequence of a transfer, property is divided and held in several shares, and thereupon the benefit of any obligation relating to the property as a whole passes from one to several owners of the property, the corresponding duty shall, in the absence of a contract to the contrary amongst the owners, be performed in favour of each of such owners in proportion to the value of his share in the property, provided that the duty can be severed and that the severance does not substantially increase the burden of the obligation; but if the duty cannot be severed, or if the severance would substantially increase the burden of the obligation, the duty shall be performed for the benefit of such one of the several owners as they shall jointly designate for that purpose :

Provided that no person on whom the burden of the obligation lies shall be answerable for failure to discharge it in manner provided by this section, unless and until he has had reasonable notice of the severance.

Nothing in this section applies to leases for agricultural purposes unless and until the Government by notification in the official Gazette so directs.

Illustrations.

(*a*) A sells to B, C and D a house situate in a village and leased to E at an annual rent of Rs. 30 and delivery of one fat sheep, B having provided half the purchase money and C and D one quarter each. E, having notice of this, must pay Rs. 15 to B, Rs. 7½ to C and Rs. 7½ to D, and must deliver the sheep according to the joint direction of B, C and D.

(*b*) In the same case, each house in the village being bound to provide ten days' labour each year on a dyke to prevent inundation, E had agreed as a term of his lease to perform this work for A. B, C and D severally require E to perform the ten days' work due on account of the house of each. E is not bound to do more than ten days' work in all, according to such directions as B, C and D may join in giving.

(B) Transfer of Immovable Property.

Transfer by person authorized only under certain circumstances to transfer.

38. Where any person, authorised only under circumstances in their nature variable to dispose of immoveable property, transfers such property for consideration, alleging the existence of such circumstances, they shall, as between the transferee on the one part and the transferor and other persons (if any) affected by the transfer on the other part, be deemed to have existed, if the transferee, after using reasonable care to ascertain the existence of such circumstances, has acted in good faith.

Illustration.

A, a Hindu widow, whose husband has left collateral heirs alleging that the property held by her as such is insufficient for her maintenance, agrees, for purposes neither religious nor charitable, to sell a field, part of such property, to B. B satisfies himself by reasonable enquiry that the income of the property is insufficient for A's maintenance, and that the sale of the field is necessary, and, acting in good faith, buys the field from A. As between B on the one part and A and the colleteral heirs on the other part, a necessity for the sale shall be deemed to have existed.

Transfer where third person is entitled to maintenance.

39. Where a third person has a right to receive maintenance or a provision for advancement or marriage from the profits of immoveable property, and such property is transferred with the intention of defeating such right, the right may be enforced against the transferee, if he has notice of such intention or if the

transfer is gratuitous; but not against a transferee for consideration and without notice of the right, nor against such property in his hands.

Illustration.

A, a Hindu, transfers Sultanpur to his sister-in-law B, in lieu of her claim against him for maintenance in virtue of his having become entitled to her deceased husband's property, and agrees with her that, if she is dispossessed of Sultanpur, A will transfer to her an equal area out of such of several other specified villages in his possession as she may elect. A sells the specified villages to C, who buys in good faith, without notice of the agreement. B is dispossessed of Sultanpur. She has no claim on the villages transferred to C.

Burden of obligation imposing restriction on use of land,

40. Where, for the more beneficial enjoyment of his own immoveable property, a third person has, independently of any interest in the immoveable property of another or of any easement thereon, a right to restrain the enjoyment of the latter property or to compel its enjoyment in a particular manner, or

or of obligation annexed to ownership but not amounting to interest or easement.

where a third person is entitled to the benefit of an obligation arising out of contract and annexed to the ownership of immoveable property, but not amounting to an interest therein or easement thereon,

such right or obligation may be enforced against a transferee with notice thereof or a gratuitous transferee of the property affected thereby, but not against a transferee for consideration and without notice of the right or obligation, nor against such property in his hands.

Illustration.

A contracts to sell Sultanpur to B. While the contract is still in force he sells Sultanpur to C, who has notice of the contract. B may enforce the contract against C to the same extent as against A.

Transfer by ostensible owner.

41. Where, with the consent, express or implied, of the persons interested in immoveable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

Transfer by person having authority to revoke former transfer.

42. Where a person transfers any immoveable property, reserving power to revoke the transfer, and subsequently transfers the property for consideration to another transferee, such transfer operates in favour of such transferee (subject to any condition attached to the exercise of the power) as a revocation of the former transfer to the extent of the power.

Illustration.

A lets a house to B, and reserves power to revoke the lease if, in the opinion of a specified surveyor, B should make a use of it detrimental to its value. Afterwards A, thinking that such a use has been made, lets the house to C. This operates as a revocation of B's lease subject to the opinion of the surveyor as to B's use of the house having been detrimental to its value.

Transfer by unauthorized person who subsequently acquires interest in property transferred.

43. Where a person erroneously represents that he is authorized to transfer certain immoveable property and professes to transfer such property for consideration, such transfer shall, at the option of the transferee, operate on any interest which the transferor may acquire in such property at any time during which the contract of transfer subsists.

Nothing in this section shall impair the right of transferees in good faith for consideration without notice of the existence of the said option.

Illustration.

A, a Hindu, who has separated from his father B, sells to C three fields, X, Y and Z, representing that A is authorized to transfer the same. Of these fields Z does not belong to A, it having been retained by B on the partition; but on B's dying A as heir obtains Z. C, not having rescinded the contract of sale, may require A to deliver Z to him.

Transfer by one co-owner.

44. Where one of two or more co-owners of immoveable property legally competent in that behalf transfers his share of such property or any interest therein, the transferee acquires, as to such share or interest, and so far as is necessary to give effect to the transfer, the transferor's right to joint possession or other common or part enjoyment of the property, and to enforce a partition of the same, but subject to the conditions and liabilities affecting, at the date of the transfer, the share or interest so transferred.

Where the transferee of a share of a dwelling house belonging to an undivided family is not a member of the family, nothing in this section shall be deemed to entitle him to joint possession or other common or part enjoyment of the house.

Joint transfer for consideration.

45. Where immoveable property is transferred for consideration to two or more persons, and such consideration is paid out of a fund belonging to them in common, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property identical, as nearly as may be, with the interests to which they were respectively entitled in the fund; and, where such consideration is paid out of separate funds belonging to them respectively, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property in proportion to the shares of the consideration which they respectively advanced.

In the absence of evidence as to the interests in the fund to which they were respectively entitled, or as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property.

Transfer for consideration by persons having distinct interests.

46. Where immoveable property is transferred for consideration by persons having distinct interests therein, the transferors are, in the absence of a contract to the contrary, entitled to share in the consideration equally, where their interests in the property were of equal value, and, where such interests were of unequal value, proportionately to the value of their respective interests.

Illustrations.

(*a*) A, owning a moiety, and B and C, each a quarter share, of mauza Sultanpur, exchange an eighth share of that mauza for a quarter share of mauza Lalpura. There being no agreement to the contrary, A is entitled to an eighth share in Lalpura, and B, and C each to a sixteenth share in that mauza.

(*b*) A, being entitled to a life-interest in Mauza Atrali and B and C to the reversion, sell the mauza for Rs. 1,000. A's life-interest is ascertained to be worth Rs. 600, the reversion Rs. 400. A is entitled to receive Rs. 600 out of the purchase-money, B and C to receive Rs. 400.

Transfer by co-owners of share in common property.

47. Where several co-owners of immoveable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transferors, the transfer, as among such transferors, takes effect on such shares equally where the shares were equal, and, where they were unequal, proportionately to the extent of such shares.

Illustration.

A, the owner of an eight-anna share, and B and C, each the owner of a four-anna share, in mouza Sultanpur, transfer a two-anna share in the mauza to D, without specifying from which of their several shares the transfer is made. To give effect to the transfer one-anna share is taken from the share of A, and half an anna share from each of the shares of B and C.

48. Where a person purports to create by transfer at different times rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together, each later created right shall, in the absence of a special contract or reservation binding the earlier transferees, be subject to the rights previously created.

Priority of rights created by transfer.

49. Where immoveable property is transferred for consideration, and such property or any part thereof is at the date of the transfer insured against loss or damage, by fire, the transferee, in case of such loss or damage, may, in the absence of a contract to the contrary, require any money which the transferor actually receives under the policy, or so much thereof as may be necessary, to be applied in reinstating the property.

Transferee's right under policy.

50. No person shall be chargeable with any rents or profits of any immoveable property, which he has in good faith paid or delivered to any person of whom he in good faith held such property, notwithstanding it may afterwards appear that the person to whom such payment or delivery was made had no right to receive such rents or profits.

Rent *bona fide* paid to holder under defective title.

Illustration.

A lets a field to B at a rent of Rs. 50, and then transfers the field to C. B having no notice of the transfer, in good faith pays the rent to A. B is not chargeable with the rent so paid.

51. When the transferee of immoveable property makes any improvement on the property, believing in good faith that he is absolutely entitled thereto, and he is subsequently evicted therefrom by any person having a better title, the transferee has a right to require the person causing the eviction either to have the value of the improvement estimated and paid or secured to the transferee, or to sell his interest in the property to the transferee at the then market-value thereof irrespective of the value of such improvement.

Improvements made by *bona fide* holders under defective titles.

The amount to be paid or secured in respect of such improvement shall be the estimated value thereof at the time of the eviction.

When, under the circumstances aforesaid, the transferee has planted or sown on the property crops which are growing when he is evicted therefrom, he is entitled to such crops and to free ingress and egress to gather and carry them.

52. During the active prosecution in any Court having authority in Mysore, of a contentious suit or proceeding in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.

Transfer of property pending suit relating thereto.

53. Every transfer of immoveable property, made with intent to defraud prior or subsequent transferees thereof for consideration, or co-owners or other persons having an interest in such property, or to defeat or delay the creditors of the transferor, is voidable at the option of any person so defrauded, defeated or delayed.

Fraudulent transfer.

Where the effect of any transfer of immoveable property is to defraud, defeat or delay any such person, and such transfer is made gratuitously or for a grossly inadequate consideration, the transfer may be presumed to have been made with such intent as aforesaid.

Nothing contained in this section shall impair the rights of any transferee in good faith and for consideration.

CHAPTER III.

OF SALES OF IMMOVEABLE PROPERTY.

"Sale" defined.

54. "Sale" is a transfer of ownership in exchange for a price paid or promised or part-paid and part promised.

Sale how made.

Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument.

In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property.

Delivery of tangible immoveable property takes place when the seller places the buyer, or such person as he directs, in possession of the property.

Contract for sale.

A contract for the sale of immoveable property is a contract that a sale of such property shall take place on terms settled between the parties.

It does not, of itself, create any interest in or charge on such property.

Rights and liabilities of buyer and seller.

55. In the absence of a contract to the contrary, the buyer and the seller of immoveable property respectively are subject to the liabilities, and have the rights, mentioned in the rules next following, or such of them as are applicable to the property sold:

(1) The seller is bound—

(*a*) to disclose to the buyer any material defect in the property of which the seller is, and the buyer is not, aware, and which the buyer could not with ordinary care discover;

(*b*) to produce to the buyer on his request for examination all documents of title relating to the property which are in the seller's possession or power;

(*c*) answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto;

(*d*) on payment or tender of the amount due in respect of the price, to execute a proper conveyance of the property when the buyer tenders it to him for execution at a proper time and place;

(*e*) between the date of the contract of sale and the delivery of the property, to take as much care of the property and all documents of title relating thereto which are in his possession as an owner of ordinary prudence would take of such property and documents;

(*f*) to give, on being so required, the buyer, or such person as he directs, such possession of the property as its nature admits;

(*g*) to pay all public charges and rent accrued due in respect of the property up to the date of the sale, the interest on all incumbrances on such property due on such date, and, except where the property is sold subject to incumbrances, to discharge all incumbrances on the property then existing.

(2) The seller shall be deemed to contract with the buyer that the interest which the seller professes to transfer to the buyer subsists and that he has power to transfer the same:

Provided that, where the sale is made by a person in a fiduciary character, he shall be deemed to contract with the buyer that the seller has done no act whereby the property is incumbered or whereby he is hindered from transferring it.

The benefit of the contract mentioned in this rule shall be annexed to, and shall go with, the interest of the transferee as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

(3) Where the whole of the purchase-money has been paid to the seller, he is also bound to deliver to the buyer all documents of title relating to the property which are in the seller's possession or power:

Provided that, (*a*) where the seller retains any part of the property comprised in such documents, he is entitled to retain them all, and, (*b*) where the whole of such property is sold to different buyers, the buyer of the lot of greatest value is entitled to such documents. But in case (*a*) the seller, and in case (*b*) the buyer of the lot of greatest value, is bound, upon every reasonable request by the buyer, or by any of the other buyers, as the case may be, and at the cost of the person making the request, to produce the said documents and furnish such true copies thereof or extracts therefrom as he may require; and in the meantime, the seller, or the buyer of the lot of greatest value, as the case may be, shall keep the said documents safe, uncancelled and undefaced, unless prevented from so doing by fire or other inevitable accident.

(4) The seller is entitled—

(*a*) to the rents and profits of the property till the ownership thereof pass to the buyer;

(*b*) where the ownership of the property has passed to the buyer before payment of the whole of the purchase-money, to a charge upon the property in the hands of the buyer for the amount of the purchase money, or any part thereof remaining unpaid, and for interest on such amount or part.

(5) The buyer is bound—

(*a*) to disclose to the seller any fact as to the nature or extent of the seller's interest in the property of which the buyer is aware but of which he has reason to believe that the seller is not aware, and which materially increases the value of such interest;

(*b*) to pay or tender, at the time and place of completing the sale, the purchase-money to the seller or such person as he directs: provided that, where the property is sold free from incumbrances, the buyer may retain out of the purchase-money the amount of any incumbrances on the property existing at the date of the sale, and shall pay the amount so retained to the persons entitled thereto;

(*c*) where the ownership of the property has passed to the buyer, to bear any loss arising from the destruction, injury or decrease in value of the property not caused by the seller;

(*d*) where the ownership of the property has passed to the buyer, as between himself and the seller, to pay all public charges and rent which may become payable in respect of the property, the principal moneys due on any incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

(6) The buyer is entitled—

(*a*) where the ownership of the property has passed to him, to the benefit of any improvement in, or increase in value of, the property, and to the rents and profits thereof;

(*b*) unless he has improperly declined to accept delivery of the property, to a charge on the property, as against the seller and all persons claiming under him with notice of the payment, to the extent of the seller's interest in the property, for the amount of any purchase-money properly paid by the buyer in anticipation of the delivery and for interest on such amount; and, when he properly declines to accept the delivery, also for the earnest (if any) and for the costs (if any) awarded to him of a suit to compel specific performance of the contract or to obtain a decree for its rescission.

An omission to make such disclosures as are mentioned in this section, paragraph (1), clause (*a*), and paragraph (5), clause (*a*), is fraudulent.

56. Where several properties are subject to a common charge and one of the properties is sold, the buyer is, as against the seller, in the absence of a contract to the contrary, entitled to have the charge satisfied out of the other properties, so far as such properties will extend.

Sale of one of several properties subject to a common charge.

Discharge of Incumbrances on Sale.

57. (*a*) Where immoveable property subject to any incumbrance, whether immediately payable or not, is sold by the Court or in execution of a decree, or out of Court, the Court may, if it thinks fit, on the application of any party to the sale, direct or allow payment into Court,—

Provision by Court for incumbrance and sale free therefrom.

(1) in the case of an annual or monthly sum charged on the property, or of a capital sum charged on a determinable interest in the property,—of such amount as, when invested in securities authorised by the Government, the Court considers will be sufficient, by means of the interest thereof, to keep down or otherwise provide for that charge, and

(2) in any other case of a capital sum charged on the property,—of the amount sufficient to meet the incumbrance and any interest due thereon.

But in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses and interest, and any other contingency except depreciation of investments not exceeding one-tenth part of the original amount to be paid in, unless the Court for special reasons (which it shall record) thinks fit to require a larger additional amount.

(*b*) Thereupon the Court may, if it thinks fit, and after notice to the incumbrancer, unless the Court, for reasons to be recorded in writing, thinks fit to dispense with such notice, declare the property to be freed from the incumbrance, and make any order for conveyance, or vesting order, proper for giving effect to the sale, and give directions for the retention and investment of the money in Court.

(*c*) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(*d*) An appeal shall lie from any declaration, order or direction under this section as if the same were a decree.

(*e*) In this section "Court" means (1) the Court of a District Judge within the local limits of whose jurisdiction the property or any part thereof is situate, (2) any other Court which the Government may, from time to time, by notification in the official Gazette, declare to be competent to exercise the jurisdiction conferred by this section.

CHAPTER IV.

OF MORTGAGES OF IMMOVEABLE PROPERTY AND CHARGES.

58. (*a*) A mortgage is the transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability.

"Mortgage," "mortgagor" "mortgagee," "mortgage-money" and "mortgage deed" defined.

The transferor is called a mortgagor, the transferee a mortgagee; the principal money and interest of which payment is secured for the time being are called the mortgage-money, and the instrument (if any) by which the transfer is effected is called a mortgage-deed.

Simple mortgage.

(b) Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money, and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee.

Mortgage by conditional sale.

(c) Where the mortgagor ostensibly sells the mortgaged property—

on condition that on default of payment of the mortgage-money on a certain date the sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller.

the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale.

Usufructuary mortgage.

(d) Where the mortgagor delivers possession of the mortgaged property to the mortgagee, and authorizes him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property and to appropriate them in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest and partly in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee.

English mortgage.

(e) Where the mortgagor binds himself to re-pay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the trasaction is called an English mortgage.

Mortgage when to be by assurance.

59. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by a registered instrument signed and attested as aforesaid, or (except in the case of a simple mortgage) by delivery of the property.

In such areas as Government may by notification declare, a mortgage may be created by delivery to a creditor or his agent, of documents of title to immoveable property with intent to create a security thereon.

Rights and Liabilities of Mortgagor.

Right of mortgagor to redeem.

60. At any time after the principal money has become payable, the mortgagor has a right, on payment or tender, at a proper time and place, of the mortgage-money, to require the mortgagee (a) to deliver the mortgage-deed, if any, to the mortgagor, (b) where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor, and (c) at the cost of the mortgagor either to re-transfer the mortgaged property to him or to such third person as he may direct, or to execute and (where the mortgage has been effected by a registered instrument) to have registered an acknowledgment in writing that any right in derogation of his interest transferred to the mortgagee has been extinguished:

Provided that the right conferred by this section has not been extinguished by act of the parties or by order of a Court.

The right conferred by this section is called a right to redeem and a suit to enforce it is called a suit for redemption.

Nothing in this section shall be deemed to render invalid any provision to the effect that, if the time fixed for payment of the principal money has been allowed

to pass or no such time has been fixed, the mortgagee shall be entitled to reasonable notice before payment to tender of such money.

Redemption of portion of mortgaged property.

Nothing in this section shall entitle a person interested in a share only of the mortgaged property to redeem his own share only, on payment of a proportionate part of the amount remaining due on the mortgage, except where a mortgagee, or if there are more mortgagees than one, all such mortgagees, has or have acquired, in whole or in part, the share of a mortgagor.

Right to redeem one of two properties separately mortgaged.

61. A mortgagor seeking to redeem any one mortgage shall, in the absence of a contract to the contrary, be entitled to do so without paying any money due under any separate mortgage made by him, or by any person through whom he claims, on property other than that comprised in the mortgage which he seeks to redeem.

Illustration.

A, the owner of farms Z and Y, mortgages Z to B for Rs. 1,000. A afterwards mortgages Y to B for Rs. 1,000, making no stipulation as to any additional charge on Z. A may institute a suit for the redemption of the mortgage on Z alone.

Right of usufructuary mortgagor to recover possession.

62. In the case of a usufructuary mortgage, the mortgagor has a right to recover possession of the property,—

(*a*) where the mortgagee is authorized to pay himself the mortgage-money from the rents and profits of the property,—when such money is paid:

(*b*) where the mortgagee is authorized to pay himself from such rents and profits the interest of the principal money,—when the term (if any), prescribed for the payment of the mortgage-money has expired and the mortgagor pays or tenders to the mortgagee the principal money or deposits it in Court as hereinafter provided.

Accession to mortgaged property.

63. Where mortgaged property in possession of the motgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled as against the mortgagee to such accession.

Accession acquired in virtue of transferred ownership.

Where such accession has been acquired at the expense of the mortgagee, and is capable of separate possession or enjoyment without detriment to the principal property, the mortgagor desiring to take the accession must pay to the mortgagee the expense of acquiring it. If such separate possession or enjoyment is not possible, the accession must be delivered with the property, the mortgagor being liable, in the case of an acquisition necessary to preserve the property from destruction, forfeiture or sale, or made with his assent, to pay the proper cost thereof, as an addition to the principal money, at the same rate of interest.

In the case last mentioned the profits, if any, arising from the accession shall be credited to the mortgagor.

Where the mortgage is usufructuary and the accession has been acquired at the expense of the mortgagee, the profits, if any, arising from the accession shall, in the absence of a contract to the contrary, be set off against interest, if any payable on the money so expended.

Renewal of mortgaged lease.

64. Where the mortgaged property is a lease for a term of years, and the mortgagee obtains a renewal of the lease, the mortgagor, upon redemption, shall, in the absence of a contract by him to the contrary, have the benefit of the lease.

Implied contracts by mortgagor.

65. In the absence of a contract to the contrary, the mortgagor shall be deemed to contract with the mortgagee—

(*a*) that the interest which the mortgagor professes to transfer to the mortgagee subsists, and that the mortgagor has power to transfer the same;

(*b*) that the mortgagor will defend, or, if the mortgagee be in possession of the mortgaged property, enable him to defend, the mortgagor's title thereto;

(*c*) that the mortgagor will, so long as the mortgagee is not in possession of the mortgaged property, pay all public charges accruing due in respect of the property;

(*d*) and, where the mortgaged property is a lease for a term of years, that the rent payable under the lease, the conditions contained therein, and the contracts binding on the lessee have been paid, performed and observed down to the commencement of the mortgage; and that the mortgagor will, so long as the security exists and the mortgagee is not in possession of the mortgaged property, pay the rent reserved by the lease, or, if the lease be renewed, the renewed lease, perform the conditions contained therein and observe the contracts binding on the lessee, and indemnify the mortgagee against all claims sustained by reason of the non-payment of the said rent or the non-performance or non-observance of the said conditions and contracts;

(*e*) and, where the mortgage is a second or subsequent incumbrance on the property, that the mortgagor will pay the interest from time to time accruing due on each prior incumbrance as and when it becomes due, and will at the proper time discharge the principal money due on such prior incumbrance.

Nothing in clause (*c*), or in clause (*d*), so far as it relates to the payment of future rent, applies in the case of an usufructuary mortgage.

The benefit of the contracts mentioned in this section shall be annexed to and shall go with the interest of the mortgagee as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

Waste by mortgagor in possession.

66. A mortgagor in possession of the mortgaged property is not liable to the mortgagee for allowing the property to deteriorate; but he must not commit any act which is destructive or permanently injurious thereto, if the security is insufficient or will be rendered insufficient by such act.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the amount for the time being due on the mortgage.

Rights and Liabilities of Mortgagee.

Right to foreclosure or sale.

67. In the absence of a contract to the contrary, the mortgagee has at any time after the mortgage-money has become payable to him, and before a decree has been made for the redemption of the mortgaged property, or the mortgage-money has been paid or deposited as hereinafter provided, a right to obtain from the Court an order that the mortgagor shall be absolutly debarred of his right to redeem the property, or an order that the property be sold.

A suit to obtain an order that a mortgagor shall be absolutly debarred of his right to redeem the mortgaged property is called a suit for foreclosure.

Nothing in this section shall be deemed—

(*a*) to authorize a simple mortgagee as such to institute a suit for foreclosure, or an usufructuary mortgagee as such to institute a suit for foreclosure or sale, or a mortgagee by conditional sale as such to institute a suit for sale: or

(*b*) to authorize a mortgagor who holds the mortgagee's rights as his trustee or legal representative, and who may sue for a sale of the property, to institute a suit for foreclosure; or

(*c*) to authorize the mortgagee of a railway, canal or other work in the maintenance of which the public are interested, to institute a suit for foreclosure or sale; or

(*d*) to authorize a person interested, in part only of the mortgage-money to institute a suit relating only to a corresponding part of the mortgaged property, unless the mortgagees have, with the consent of the mortgagor, severed their interests under the mortgage.

Right to sue for mortgage-money.

68. The mortgagee has a right to sue the mortgagor for the mortgage-money in the following cases only:—

(*a*) where the mortgagor binds himself to repay the same:

(*b*) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor:

(*c*) where, the mortgagee being entitled to possession of the property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any other person.

Where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property has been wholly or partially destroyed, or the security is rendered insufficient as defined in section 66, the mortgagee may require the mortgagor to give him within a reasonable time another sufficient security for his debt, and, if the mortgagor fails so to do, may sue him for the mortgage-money.

Accession to mortgaged property.

69. If, after the date of a mortgage, any accession is made to the mortgaged property, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to such accession.

Illustrations.

(*a*) A mortgages to B a certain field bordering on a river. The field is increased by alluvion. For the purposes of his security, B is entitled to the increase.

(*b*) A mortgages a certain plot of building land to B and afterwards erects a house on the plot. For the purposes of his security B is entitled to the house as well as the plot.

Renewal of mortgaged lease.

70. When the mortgaged property is a lease for a term of years, and the mortgagor obtains a renewal of the lease, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to the new lease.

Rights of mortgagee in possession.

71. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he may spend such money as is necessary—

(*a*) for the due management of the property and the collection of the rents and profits thereof;

(*b*) for its preservation from destruction, forfeiture or sale;

(*c*) for supporting the mortgagor's title to the property;

(*d*) for making his own title thereto good against the mortgagor; and

(*e*) when the mortgaged property is a renewable leasehold, for the renewal of the lease;

and may, in the absence of a contract to the contrary, add such money to the principal money, at the rate of interest payable on the principal, and, where no such rate is fixed, at the rate of nine per cent per annum.

Where the property is by its nature insurable, the mortgagee may also, in the absence of a contract to the contrary, insure and keep insured against loss or damage by fire the whole or any part of such property; and the premiums paid for any such insurance shall be a charge on the mortgaged property, in addition to the principal money, with the same priority and with interest at the same rate. But the amount of such insurance shall not exceed the amount specified in this behalf

in the mortgage-deed or (if no such amount is therein specified) two-thirds of the amount that would be required in case of total destruction to reinstate the property insured.

Nothing in this section shall be deemed to authorize the mortgagee to insure when an insurance of the property is kept up by or on behalf of the mortgagor to the amount in which the mortgagee is hereby authorized to insure.

Charge on proceeds of revenue sale.

72. Where mortgaged property is sold through failure to pay arrears of revenue or rent due in respect thereof, the mortgagee has a charge on the surplus, if any, of the proceeds, after payment thereout of the said arrears, for the amount remaining due on the mortgage, unless the sale has been occasioned by some default on his part.

Right of subsequent mortgagee to pay off prior mortgagee.

73. Any second or other subsequent mortgagee may, at any time after the amount due on the next prior mortgage has become payable, tender such amount to the next prior mortgagee, and such mortgagee is bound to accept such tender and to give a receipt for such amount; and (subject to the provisions of the law for the time being in force regulating the registration of documents) the subsequent mortgagee shall, on obtaining such receipt, acquire, in respect of the property, all the rights and powers of the mortgagee, as such, to whom he has made such tender.

Rights of mesne mortgagee against prior and subsequent mortgagees.

74. Every second or other subsequent mortgagee has, so far as regards redemption, foreclosure and sale of the mortgaged property, the same rights against the prior mortgagee or mortgagees as his mortgagor has against such prior mortgagee or mortgagees, and the same rights against the subsequent mortgagees (if any) as he has against his mortgagor.

Liabilities of mortgagee in possession.

75. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property,—

(*a*) he must manage the property as a person of ordinary prudence would manage it if it were his own;

(*b*) he must use his best endeavours to collect the rents and profits thereof;

(*c*) he must, in the absence of a contract to the contrary, out of the income of the property, pay the Government revenue, all other charges of a public nature accruing due in respect thereof during such possession and any arrears of rent in default of payment of which the property may be summarily sold;

(*d*) he must, in the absence of a contract to the contrary, make such necessary repairs of the property as he can pay for out of the rents and profits thereof after deducting from such rents and profits the payments mentioned in clause (*c*) and the interest on the principal money;

(*e*) he must not commit any act which is destructive or permanently injurious to the property;

(*f*) where he has insured the whole or any part of the property against loss or damage by fire, he must, in case of such loss or damage, apply any money which he actually receives under the policy or so much thereof as may be necessary, in re-instating the property, or, if the mortgagor so directs, in reduction or discharge of the mortgage-money;

(*g*) he must keep clear, full and accurate accounts of all sums received and spent by him as mortgagee, and at any time during the continuance of the mortgage, give the mortgagor, at his request and cost, true copies of such accounts and of the vouchers by which they are supported;

(*h*) his receipts from the mortgaged property, or, where such property is personally occupied by him, a fair occupation-rent in respect thereof, shall, after deducting the expenses mentioned in clauses (*c*) and (*d*), and interest thereon, be debited against him in reduction of the amount (if any)

from time to time due to him on account of interest on the mortgage-money and, so far as such receipts exceed any interest due, in reduction or discharge of the mortgage-money; the surplus, if any, shall be paid to the mortgagor;

(*i*) when the mortgagor tenders, or deposits in manner hereinafter provided, the amount for the time being due on the mortgage, the mortgagee must, notwithstanding the provisions in the other clauses of this section, account for his gross receipts from the mortgaged property from the date of the tender or from the earliest time when he could take such amount out of Court, as the case may be.

Loss occasioned by his default.

If the mortgagee fail to perform any of the duties imposed upon him by this section, he may, when accounts are taken in pursuance of a decree made under this Chapter be debited with the loss, if any, occasioned by such failure.

Receipts in lieu of interest.

76. Nothing in section 75, clauses (*b*), (*d*), (*g*) and (*h*), applies to cases where there is a contract between the mortgagee and the mortgagor that the receipts from the mortgaged property shall, so long as the mortgagee is in possession of the property, be taken in lieu of the interest on the principal money, or in lieu of such interest and defined portions of the principal.

Priority.

Postponement of prior mortgagee.

77. Where, through the fraud, misrepresentation or gross neglect of a prior mortgagee, another person has been induced to advance money on the security of the mortgaged property, the prior mortgagee shall be postponed to the subsequent mortgagee.

Mortgage to secure uncertain amount when maximum is expressed.

78. If a mortgage made to secure future advances, the performance of an engagement or the balance of a running account, expresses the maximum to be secured thereby, a subsequent mortgage of the same property shall, if made with notice of the prior mortgage, be postponed to the prior mortgage in respect of all advances or debits not exceeding the maximum though made or allowed with notice of the subsequent mortgage.

Illustration.

A mortgages Sultanpur to his bankers, B & Co., to secure the balance of his account with them to the extent of Rs. 10,000. A then mortgages Sultanpur to C, to secure Rs. 10,000, C having notice of the mortgage to B & Co., and C gives notice to B & Co. of the second mortgage. At the date of the second mortgage, the balance due to B & Co., does not exceed Rs. 5,000. B & Co., subsequently advance to A sums making the balance of the account against him exceed the sum of Rs. 10,000. B & Co., are entitled, to the extent of Rs. 10,000 to priority over C.

Tacking abolished.

79. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security. And, except in the case provided for by section 79, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in repect of his security for such subsequent advance.

Marshalling and Contribution.

Marshalling securities.

80. If the owner of two properties mortgages them both to one person and then mortgages one of the properties to another person who has not notice of the former mortgage, the second mortgagee is, in the absence of a contract to the contrary, entitled to have the debt of the first mortgagee satisfied out of the property not mortgaged to the second mortgagee so far as such property will extend, but not so as to prejudice the rights of

the first mortgagee or of any other person having acquired for valuable consideration an interest in either property.

Contribution to mortgage-debt.

81. Where several properties, whether of one or several owners, are mortgaged to secure one debt, such properties are, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, after deducting from the value of each property the amount of any other incumbrance to which it is subject at the date of the mortgage.

Where, of two properties belonging to the same owner, one is mortgaged to secure one debt and then both are mortgaged to secure another debt, and the former debt is paid out of the former property, each property is, in the absence of a contract to the contrary, liable to contrubute rateably to the latter debt after deducting the amount of the former debt from the value of the property out of which it has been paid.

Nothing in this section applies to a property liable under section 80 to the claim of the second mortgagee.

Deposit in Court.

Power to deposit in Court money due on mortgage.

82. At any time after the principal money has become payable and before a suit for redemption of the mortgaged property is barred, the mortgagor, or any other person entitled to institute such suit, may deposit, in any Court in which he might have instituted such suit, to the account of the mortgagee, the amount remaining due on the mortgage.

Right to money deposited by mortgagor.

The Court shall thereupon cause written notice of the deposit to be served on the mortgagee, and the mortgagee may, on presenting a petition (verified in manner prescribed by law for the verification of plaints) stating the amount then due on the mortgage, and his willingness to accept the money so deposited in full discharge of such amount, and on depositing in the same Court the mortgage-deed if then in his possession or power, apply for and receive the money, and the mortgage-deed so deposited shall be delivered to the mortgagor or such other person as aforesaid.

Cessation of interest.

83. When the mortgagor or such other person as aforesaid has tendered or deposited in Court under Section 82 the amount remaining due on the mortgage, interest on the principal money shall cease from the date of the tender or as soon as the mortgagor or such other person as aforesaid has done all that has to be done by him to enable the mortgagee to take such amount out of Court, as the case may be.

Nothing in this section or in section 82 shall be deemed to deprive the mortgagee of his right to interest when there exists a contract that he shall be entitled to reasonable notice before payment or tender of the mortgage money.

Redemption.

Who may sue for redemption.

84. Besides the mortgagor, any of the following persons may redeem, or institute a suit for redemption of, the mortgaged property :—

(*a*) any person (other than the mortgagee of the interest sought to be redeemed), having any interest in or charge upon the property ;

(*b*) any person having any interest in or charge upon the right to redeem the property ;

(*c*) any surety for the payment of the mortgage-debt or any part thereof ;

(*d*) the guardian of the property of a minor mortgagor on behalf of such minor ;

(*e*) the committee or other legal curator of a lunatic or idiot mortgagor on behalf of such lunatic or idiot ;

(*f*) the judgment-creditor of the mortgagor, when he has obtained execution by attachment of the mortgagor's interest in the property;

(*g*) a creditor of the mortgagor who has, in a suit for the administration of his estate, obtained a decree for sale of the mortgaged property.

Charge of one of several co-mortgagors who redeems.

85. Where one of several mortgagors redeems the mortgaged property and obtains possession thereof, he has a charge on the share of each of the other co-mortgagors in the property for his proportion of the expenses properly incurred in so redeeming and obtaining possession.

Anomalous Mortgages.

Mortgage not described in section 58, clauses (b), (c), (d) and (e).

86. In the case of a mortgage not being a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage or an English mortgage, or a combination of the first and third, or the second and third, of such forms the rights and liabilities of the parties shall be determined by their contract as evidenced in the mortgage-deed, and, so far as such contract does not extend, by local usage.

Charges.

87. Where immoveable property of one person is by act of parties or operation of law made security for the payment of money to another, and the transaction does not amount to a mortgage, the latter person is said to have a charge on the property; and all the provisions hereinbefore contained as to a mortgagor shall, so far as may be, apply to the owner of such property, and the provisions of sections 80 and 81 shall, so far as may be, apply to the person having such charge.

Nothing in this section applies to the charge of a trustee on the trust-property for expenses properly incurred in the execution of his trust.

Extinguishment of charges.

88. Where the owner of a charge or other incumbrance on immoveable property is or becomes absolutely entitled to that property, the charge or incumbrance shall be extinguished, unless he declares, by express words or necessary implication, that it shall continue to subsist, or such continuance would be for his benefit.

Notice and Tender.

Service or tender on or to agent.

89. Where the person on or to whom any notice or tender is to be served or made under this Chapter does not reside in the district in which the mortgaged property or some part thereof is situate, service or tender on or to an agent holding a general power of attorney from such person or otherwise duly authorized to accept such service or tender shall be deemed sufficient.

Where the person or agent on whom such notice should be served cannot be found in the said district, or is unknown to the person required to serve notice, the latter person may apply to any Court in which a suit might be brought for redemption of the mortgaged property, and such Court shall direct in what manner such notice shall be served, and any notice served in compliance with such direction shall be deemed sufficient.

Where the person or agent to whom such tender should be made cannot be found within the said district, or is unknown to the person desiring to make the tender, the latter person may deposit in such Court as last aforesaid the amount sought to be tendered, and such deposit shall have the effect of a tender of such amount.

Notice, etc., to or by person incompetent to contract.

90. Where, under the provisions of this Chapter, a notice is to be served on or by, or a tender or deposit made or accepted or taken out of Court by, any person incompetent to contract, such notice may be served, or tender or deposit made, accepted or taken, by the legal curator of the property of such person; but where there is no such curator, and it is requisite or desirable in the interests of such person that a notice should be served or a tender or deposit made under the provisions

of this Chapter, application may be made to any Court in which a suit might be brought for the redemption of the mortgage to appoint a guardian *ad litem* for the purposes of serving or receiving service of such notice, or making or accepting such tender, or making or taking out of Court such deposit, and for the performance of all consequential acts which could or ought to be done by such person if he were competent to contract; and the provisions of Order XXXII of the Code of Civil Procedure shall, so far as may be, apply to such application and to the parties thereto and to the guardian appointed thereunder.

Power to make rules.

91. The Chief Court may, from time to time, make rules consistent with this Regulation for carrying out, in itself and in the Courts of Civil Judicature subject to its superintendence, the provisions contained in this Chapter.

CHAPTER V.

OF LEASES OF IMMOVABLE PROPERTY.

Lease defined.

92. A lease of immoveable property is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity in consideration of price paid or promised, or of money, share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.

Lessor, lessee, premium and rent defined.

The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other things to be so rendered is called the rent.

Duration of certain leases in absence of written contract or local usage.

93. In the absence of a contract or local law or usage to the contrary, a lease of immoveable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice expiring with the end of a year of the tenancy; and a lease of immoveable property for any other purpose shall be deemed to be a lease from month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice expiring with the end of a month of the tenancy.

Every notice under this section must be in writing signed by or on behalf of the person giving it, and tendered or delivered either personally to the party who is intended to be bound by it or to one of his family or servants at his residence, or (if such tender or delivery is not practicable) affixed to a conspicuous part of the property.

Leases how made.

94. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument.

All other leases of immoveable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession;

Provided that the Government may from time to time, by notification in the official Gazette, direct that leases of immoveable property, other than leases from year to year or for any term exceeding one year, or reserving a yearly rent, or any class of such leases, may be made by unregistered instrument or by oral agreement without delivery of possession.

Rights and liabilities of lessor and lessee.

95. In the absence of a contract or local usage to the contrary, the lessor and the lessee of immoveable property, as against one another, respectively, possess the rights and are subject to the liabilities mentioned in the rules next following, or such of them as are applicable to the property leased:—

(A) Rights and Liabilities of the Lessor.

(*a*) The lessor is bound to disclose to the lessee any material defect in the property, with reference to its intended use, of which the former is and the latter is not aware, and which the latter could not with ordinary care discover:

(*b*) the lessor is bound on the lessee's request to put him in possession of the property:

(*c*) the lessor shall be deemed to contract with the lessee that, if the latter pays the rent reserved by the lease and performs the contracts binding on the lessee, he may hold the property during the time limited by the lease without interruption.

The benefit of such contract shall be annexed to and go with the lessee's interest as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

(B) Rights and Liabilities of the Lessee.

(*d*) If during the continuance of the lease any accession is made to the property, such accession (subject to the law relating to alluvion for the time being in force) shall be deemed to be comprised in the lease:

(*e*) if by fire, tempest or flood, or violence of an army or of a mob or other irresistible force, any material part of the property be wholly destroyed or rendered substantially and permanently unfit for the purposes for which it was let, the lease shall, at the option of the lessee, be void:

Provided that, if the injury be occasioned by the wrongful act or default of the lessee, he shall not be entitled to avail himself of the benefit of this provision:

(*f*) if the lessor neglects to make, within a reasonable time after notice, any repairs which he is bound to make to the property, the lessee may make the same himself, and deduct the expense of such repairs with interest from the rent, or otherwise recover it from the lessor:

(*g*) if the lessor neglects to make any payment which he is bound to make, and which if not made by him, is recoverable from the lessee or against the property, the lessee may make such payment himself, and deduct it with interest from the rent, or otherwise recover it from the lessor:

(*h*) the lessee may remove, at any time during the continuance of the lease, all things which he has attached to the earth: provided he leaves the property in the state in which he received it:

(*i*) when a lease of uncertain duration determines by any means except the fault of the lessee, he or his legal representative is entitled to all the crops planted or sown by the lessee and growing upon the property when the lease determines, and to free ingress and egress to gather and carry them:

(*j*) the lessee may transfer absolutely or by way of mortgage or sub-lease the whole of any part of his interest in the property, and any transferee of such interest or party may again transfer it. The lessee shall not, by reason only of such transfer, cease to be subject to any of the liabilities attaching to the lease:

nothing in this clause shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue, or the lessee of an estate under the management of Government, to assign his interest as such tenant, farmer or lessee:

(*k*) the lessee is bound to disclose to the lessor any fact as to the nature or extent of the interest which the lessee is about to take, or which the lessee is, and the lessor is not, aware, and which materially increases the value of such interest:

(*l*) the lessee is bound to pay or tender, at the proper time and place, the premium or rent to the lessor or his agent in this behalf:

(*m*) the lessee is bound to keep, and on the termination of the lease to restore, the property in as good condition as it was in at the time when he was put in possession, subject only to the changes caused by reasonable wear and tear or irresistible force, and to allow the lessor and his agents, at all reasonable times during the term, to enter upon the property and inspect the condition thereof and

give or leave notice of any defect in such condition; and, when such defect has been caused by any act or default on the part of the lessee, his servants or agents, he is bound to make it good within three months after such notice has been given or left:

(*n*) if the lessee becomes aware of any proceeding to recover the property or any part thereof, or of any encroachment made upon, or any interference with, the lessor's rights concerning such property, he is bound to give, with reasonable diligence, notice thereof to the lessor:

(*o*) the lessee may use the property and its products (if any) as a person of ordinary prudence would use them if they were his own; but he must not use, or permit another to use, the property for a purpose other than that for which it was leased, or fell timber, pull down or damage buildings, work mines or quarries not open when the lease was granted, or commit any other act which is destructive or permanently injurious thereto:

(*p*) he must not, without the lessor's consent, erect on the property any permanent structure, except for agricultural purposes:

(*q*) on the determination of the lease, the lessee is bound to put the lessor into possession of the property.

Rights of lessor's transferee.

96. If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights, and, if the lessee so elects, be subject to all the liabilities, of the lessor as to the property or part transferred so long as he is the owner of it; but the lessor shall not, by reason only of such transfer, cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him:

Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee, not having reason to believe that such transfer has been made, pays rent to the lessor, the lessee shall not be liable to pay such rent over again to the transferee.

The lessor, the transferee and the lessee may determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred, and, in case they disagree, such determination may be made by any Court having jurisdiction to entertain a suit for the possession of the property leased.

Exclusion of day on which term commences.

97. Where the time limited by a lease of immoveable property is expressed as commencing from a particular day, in computing that time such day shall be excluded. Where no day of commencement is named, the time so limited begins from the making of the lease.

Duration of lease for a year.

Where the time so limited is a year or a number of years, in the absence of an express agreement to the contrary, the lease shall last during the whole anniversary of the day from which such time commences.

Option to determine lease.

Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable, the lessee, and not the lessor, shall have such option.

Determination of lease.

98. A lease of immoveable property determines—

(*a*) by efflux of the time limited thereby:

(*b*) where such time is limited conditionally on the happening of some event—by the happening of such event:

(*c*) where the interest of the lessor in the property terminates on, or his power to dispose of the same extends only to, the happening of any event—by the happening of such event:

(*d*) in case the interests of the lessee and the lessor in the whole of the property become vested at the same time in one person in the same right:

(*e*) by express surrender; that is to say, in case the lessee yields up his interest under the lease to the lessor, by mutual agreement between them:

(*f*) by implied surrender:

(*g*) by forfeiture; that is to say, (1) in case the lessee breaks an express condition which provides that on breach thereof the lessor may re-enter or the lease shall become void; or (2) in case the lessee renounces his character as such by setting up a title in a third person or by claiming title in himself; and in either case the lessor or his transferee does some act showing his intention to determine the lease:

(*h*) on the expiration of a notice to determine the lease, or to quit, or of intention to quit, the property leased, duly given by one party to the other.

Illustration to clause (*f*).

A lessee accepts from his lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is an implied surrender of the former lease, and such lease determines thereupon.

Waiver of forfeiture.

99. A forfeiture under section 98, clause (*g*), is waived by acceptance of rent which has become due since the forfeiture, or by distress for such rent, or by any other act on the part of the lessor, showing an intention to treat the lease as subsisting:

Provided that the lessor is aware that the forfeiture has been incurred.

Provided also that, where rent is accepted after the institution of a suit to eject the lessee on the ground of forfeiture, such acceptance is not a waiver.

Waiver of notice to quit.

100. A notice given under section 98, clause (*h*), is waived, with the express or implied consent of the person to whom it is given, by any act on the part of the person giving it showing an intention to treat the lease as subsisting.

Illustrations.

(*a*) A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires. B tenders, and A accepts, rent which has become due in respect of the property since the expiration of the notice. The notice is waived.

(*b*) A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. The first notice is waived.

Relief against forfeiture for non-payment of rent.

101. Where a lease of immoveable property has determined by forfeiture for non-payment of rent, and the lessor sues to eject the lessee, if, at the hearing of the suit, the lessee pays or tenders to the lessor the rent in arrear, together with interest thereon and his full costs of the suit, or gives such security as the Court thinks sufficient for making such payment within fifteen days, the Court may, in lieu of making a decree for ejectment, pass an order relieving the lessee against the forfeiture; and thereupon the lessee shall hold the property leased as if the forfeiture had not occurred.

Effect of surrender and forfeiture on under-leases.

102. The surrender, express or implied, of a lease of immoveable property does not prejudice an underlease of the property or any part thereof previously granted by the lessee, on terms and conditions substantially the same (except as regards the amount of rent) as those of the original lease; but, unless the surrender is made for the purpose of obtaining a new lease, the rent payable by, and the contracts binding on, the under-lessee shall be respectively payable to and enforceable by the lessor.

The forfeiture of such a lease annuls all such under-leases, except where such forefeiture has been procured by the lessor in fraud of the under-lessees, or relief against the forfeiture is granted under section 101.

Effect of holding over.

103. If a lessee or under-lessee of property remains in possession thereof after the determination of the lease granted to the lessee, and the lessor or his legal representative accepts rent from the lessee or under-lessee, or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year, or from month to month, according to the purpose for which the property is leased, as specified in section 93.

Illustrations.

(*a*) A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. C's lease is renewed from month to month.

(b) A lets a farm to B for the life of C. C dies, but B continues in possession with A's assent. B's lease is renewed from year to year.

Exemption of leases for agricultural purposes.

104. None of the provisions of this Chapter apply to leases for agricultural purposes, except in so far as the Government may, by notification published in the official Gazette, declare all or any of such provisions to be so applicable in the case of all or any of such leases together with, or subject to, those of the local law, if any, for the time being in force.

Such notification shall not take effect until the expiry of six months from the date of its publication.

CHAPTER VI.

OF EXCHANGES.

"Exchange" defined.

105. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an "exchange."

A transfer of property in completion of an exchange can be made only in manner provided for the transfer of such property by sale.

Right of party deprived of thing received in exchange.

106. In the absence of a contract to the contrary, the party deprived of the thing or part thereof he has received in exchange, by reason of any defect in the title of the other party, is entitled at his option to compensation or to the return of the thing transferred by him.

Rights and liabilities of parties.

107. Save as otherwise provided in this Chapter, each party has the rights and is subject to the liabilities of a seller as to that which he gives, and has the rights and is subject to the liabilities of a buyer as to that which he takes.

Exchange of money.

108. On an exchange of money, each party thereby warrants the genuineness of the money given by him.

CHAPTER VII.

OF GIFTS.

"Gift" defined.

109. "Gift" is the transfer of certain existing moveable or immoveable property made voluntarily and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee.

Such acceptance must be made during the lifetime of the donor and while he is still capable of giving.

Acceptance when to be made.

If the donee dies before acceptance, the gift is void.

110. For the purpose of making a gift of immoveable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses.

Transfer how effected.

For the purpose of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery.

Such delivery may be made in the same way as goods sold may be delivered.

111. A gift comprising both existing and future property is void as to the latter.

Gift of existing and future property.

112. A gift of a thing to two or more donees, of whom one does not accept it, is void as to the interest which he would have taken had he accepted.

Gift to several, of whom one does not accept.

113. The donor and donee may agree that on the happening of any specified event which does not depend on the will of the donor a gift shall be suspended or revoked; but a gift which the parties agree shall be revocable wholly or in part, at the mere will of the donor, is void wholly or in part, as the case may be.

When gift may be suspended or revoked.

A gift may also be revoked in any of the cases (save want or failure of consideration) in which, if it were a contract, it might be rescinded.

Save as aforesaid, a gift cannot be revoked.

Nothing contained in this section shall be deemed to affect the rights of transferees for consideration without notice.

Illustrations.

(*a*) A gives a field to B, reserving to himself, with B's assent, the right to take back the field in case B and his descendants die before A. B dies without descendants in A's lifetime. A may take back the field.

(*b*) A gives a lakh of rupees to B, reserving to himself, with B's assent, the right to take back at pleasure Rs. 10,000 out of the lakh. The gift holds good as to Rs. 90,000, but is void as to Rs. 10,000, which continue to belong to A.

114. Where a gift is in the form of a single transfer to the same person of several things of which one is, and the others are not burdened by an obligation, the donee can take nothing by the gift unless he accepts it fully.

Onerous gifts.

Where a gift is in the form of two or more separate and independent transfers to the same person of several things, the donee is at liberty to accept one of them and refuse the others, although the former may be beneficial and the latter onerous.

A donee not competent to contract and accepting property burdened by any obligation is not bound by his acceptance. But if, after becoming competent to contract and being aware of the obligation, he retains the property given, he becomes so bound.

Onerous gift to disqualified person.

Illustrations.

(*a*) A has shares in X, a prosperous joint stock company, and also shares in Y, a joint stock company in difficulties. Heavy calls are expected in respect of the shares in Y. A gives B all his shares in joint stock companies. B refuses to accept the shares in Y. He cannot take the shares in X.

(*b*) A having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is more than the house can be let

for, gives to B the lease, and also, as a separate and independent transaction, a sum of money. B refuse to accept the lease. He does not by this refusal forfeit the money.

Universal donee.

115. Subject to the provisions of section 114, where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by the donor at the time of the gift to the extent of the property comprised therein.

Saving of donations *mortis causa* and Muhammadan law.

116. Nothing in this Chapter relates to gifts of moveable property made in contemplation of death, or shall be deemed to affect any rule of Muhammadan law, or, save as provided by section 110, any rule of Hindu or Buddhist law.

CHAPTER VIII.

OF TRANSFERS OF ACTIONABLE CLAIMS.

Transfer of actionable claim.

117. (*1*) The transfer of an actionable claim shall be effected only by the execution of an instrument in writing signed by the transferor or his duly authorized agent, and shall be complete and effectual upon the execution of such instrument, and thereupon all the rights and remedies of the transferor, whether by way of damages or otherwise, shall vest in the transferee, whether such notice of the transfer as is hereinafter provided be given or not:

Provided that every dealing with the debt or other actionable claim by the debtor or other person from or against whom the transferor would, but for such instrument of transfer as aforesaid, have been entitled to recover or enforce such debt or other actionable claim, shall (save where the debtor or other person is a party to the transfer or has received express notice thereof as hereinafter provided) be valid as against such transfer.

(*2*) The transferee of an actionable claim may, upon the execution of such instrument of transfer as aforesaid, sue or institute proceedings for the same in his own name without obtaining the transferor's consent to such suit or proceedings and without making him a party thereto.

Exception.—Nothing in this section applies to the transfer of a marine or fire policy of insurance.

Illustrations.

(i) A owes money to B, who transfers the debt to C. B then demands the debt from A, who, not having received notice of the transfer, as prescribed in section 118, pays B. The payment is valid, and C cannot sue A for the debt.

(ii) A effects a policy on his own life with an Insurance Company and assigns it to a Bank for securing the payment of an existing or future debt. If A dies, the Bank is entitled to receive the amount of the policy and to sue on it without the concurrence of A's executor, subject to the proviso in sub-section (*1*) of section 117 and to the provisions of section 119.

Notice to be in writing, signed.

118. Every notice of transfer of an actionable claim shall be in writing, signed by the transferor or his agent duly authorized in this behalf; or, in case the transferor refuses to sign, by the transferee or his agent, and shall state the name and address of the transferee.

Liability of transferee of actionable claim.

119. The transferee of an actionable claim shall take it subject to all the liabilities and equities to which the transferor was subject in respect thereof at the date of the transfer.

Illustrations.

(i) A transfers to C a debt due to him by B, A being then indebted to B. C sues B, for the debt due by B to A. In such suit B is entitled to set off the debt due by A to him, although C was unaware of it at the date of such transfer.

(ii) A executed a bond in favour of B under circumstances entitling the former to have it delivered up and cancelled. B assigns the bond to C for value and without notice of such circumstances. C cannot enforce the bond against A.

Warranty of solvency of debtor.

120. Where the transferor of a debt warrants the solvency of the debtor, the warranty, in the absence of a contract to the contrary, applies only to his solvency at the time of the transfer, and is limited, where the transfer is made for consideration, to the amount or value of such consideration.

Mortgaged debt.

121. Where a debt is transferred for the purpose of securing an existing or future debt, the debt so transferred if received by the transferor or recovered by the transferee, is applicable, first, in payment of the costs of such recovery: secondly, in or towards satisfaction of the amount for the time being secured by the transfer; and the residue, if any, belongs to the transferor or other person entitled to receive the same.

Assignment of rights under marine or fire policy of insurance.

122. Every assignee, by endorsement or other writing, of a policy of marine insurance or of a policy of insurance against fire, in whom the property in the subject insured shall be absolutely vested at the date of the assignment, shall have transferred and vested in him all rights of suit as if the contract contained in the policy had been made with himself.

Incapacity of officers connected with Courts of Justice.

123. No Judge, legal practitioner, or officer connected with any Court of Justice shall buy or traffic in, or stipulate for, or agree to receive, any share of, or interest in, any actionable claim, and no Court of Justice shall enforce, at his instance, or at the instance of any person claiming by or through him, any actionable claim so dealt with by him as aforesaid.

Saving of negotiable instruments, etc.

124. Nothing in the foregoing sections of this Chapter applies to stocks, shares or debentures, or to instruments which are for the time being, by law or custom, negotiable, or to any mercantile document of title to goods.

Explanation.—The expression "mercantile document of title to goods" includes a bill of lading, dock-warrant, wherehouse-keeper's certificate, railway receipt, warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented.

THE SCHEDULE.

Year and chapter	Subject	Extent of repeal.

THE SCHEDULE.

Number and year	Subject	Extent of repeal
I of 1877	Specific Relief...	In sections 35 and 36, the words "in writing.

Statement of objects and reasons.

The question of introducing the Transfer of Property Act (IV of 1882) has been under the consideration of Government for a number of years. When in 1906 the Judges of the Chief Court were consulted, Mr. L. Moore, and Mr. P. S. Krishna Rao expressed themselves in favour of the introduction of the Act. The Judges of

the Chief Court were again consulted last year, and they recommend the introduction of the Act.

In the annual meetings of the Representative Assembly also, the members have been urging the introduction of the Act into the State.

The rules contained in the Act do not appear to be opposed to any law or practice in force in the State. The introduction of the Act will make certain transfers compulsorily registerable, and it is hoped that the chance of litigation and the opportunities for perjury in connection with sales of immoveable property will be reduced to a great extent by this means of compulsory registration. Further the argument that many of the principles of the Act are already recognised by the Mysore Courts is a powerful reason for the introduction of the Act, and the uncertainty and confusion in the existing law and practice may be avoided by the proposed enactment.

Registered No. M—1175.

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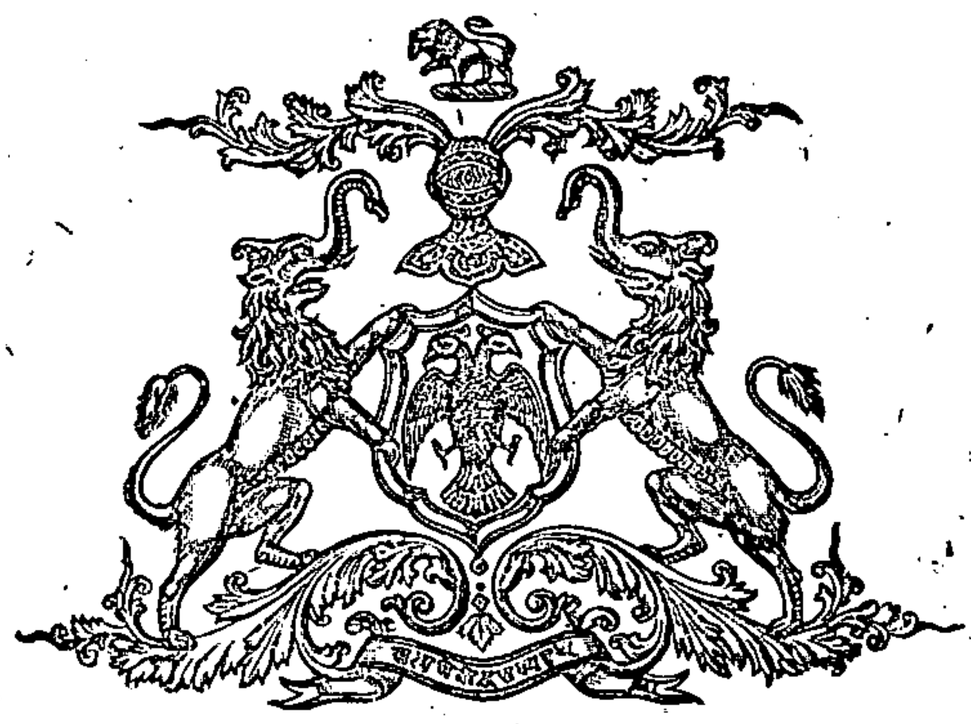

The Mysore Gazette

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BANGALORE, THURSDAY, APRIL 6, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 307—L. C., dated Bangalore, the 31st March 1916.

A meeting of the Mysore Legislative Council will be held at the Public Offices Buildings, Bangalore, on Friday the 28th April 1916, at 12 noon.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Registered No. M—1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, APRIL 13, 1916.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. III OF 1916.

A Regulation further to amend the Mysore Municipal Regulation, 1906.

(Received the assent of His Highness the Maharaja on the 25th day of Februarg 1916.)

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906; His Highness the Maharaja is pleased to enact as follows:—

Amendment of proviso (*a*) to Section 59 of the Regulation.

In proviso (*a*) to Section 59 of the Regulation, after the words "His Highness the Maharaja," wherever they occur, the words "or the Yuvaraja" shall be inserted.

M. VISVESVARAYA,
Dewan.

Registered No. M—1175.

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The Mysore Gazette

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 16.

BANGALORE, THURSDAY, APRIL 20, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 356—L. C., dated 14th April 1916.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to amend the law relating to Arbitration is published for general information with a Statement of Objects and Reasons.

By Order,
G. SREENIVASA IYER,
Secretary Mysore Legislative Council.

A Bill to amend the law relating to Arbitration.

Whereas it is expedient to amend the law relating to arbitration by agreement without the intervention of a Court of Justice; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Arbitration Regulation.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of

Application.

2. This Regulation shall apply to such areas and from such date as may be notified by Government in the official Gazette in this behalf.

Exclusion of certain enactments in certain cases where Regulation applies.

3. The last thirty-seven words of Section 21 of the Specific Relief Act, 1877, and Section 89 and the second schedule of the Code of Civil Procedure, 1911, shall not apply to any submission or arbitration to which the provisions of this Regulation for the time being apply:

Provided that nothing in this Regulation shall affect any arbitration pending in any local area at the date of the application thereto of this Regulation as aforesaid, but shall apply to every arbitration commenced after the date of the application of this Regulation, under any agreement or order previously made.

Definitions.

4. In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "the Court" means, the Court of the District Judge; and

(*b*) "submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court.

Provisions implied in submissions.

6. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule, in so far as they are applicable to the reference under submission.

Reference to arbitrator to be appointed by third person.

7. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject-matter of the submission shall be referred to an arbitrator to be appointed by a particular Chamber of Commerce, or, as the case may be, to an arbitrator to be appointed by the President for the time being of a particular Chamber of Commerce.

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

8. (1) In any of the following cases:—

(*a*) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator;

(*b*) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy;

(*c*) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him;

(*d*) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire or third arbitrator, who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

Power for parties in certain cases to supply vacancy.

9. Where a submission provides that the reference shall be to two arbitrators one to be appointed by each party, then, unless a different intention is expressed therein,—

(*a*) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place;

(*b*) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the

party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of clause (*b*) of this section.

Powers of arbitrator.

10. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

(*a*) have power to administer oaths to the parties and witnesses appearing;

(*b*) have power to state a special case for the opinion of the Court on any question of law involved; and

(*c*) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Award to be signed and filed.

11. (1) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

(2) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award, and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(3) Where the arbitrators or umpire state a special case under Section 10, clause (*b*), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

Power for Court to enlarge time for making award.

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power to remit award.

13. (1) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

(2) Where an award is remitted under sub-section (1), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

Power to set aside award.

14. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Award when filed to be enforceable as a decree.

15. (1) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

(2) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000, the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

Power to remove arbitrator or umpire.

16. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Costs.

17. Any order made by the Court under this Regulation may be made on such terms as to costs or otherwise as the Court thinks fit.

Forms.

18. The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Power to stay proceedings where there is a submission.

19. Where any party to a submission to which this Regulation applies, or any persons claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power for Chief Court to make rules.

20. The Chief Court may make rules consistent with this Regulation as to—

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(*c*) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(*d*) generally, all proceeding in Court under this Regulation.

Amendment of section 21, Act I, 1877.

21. In section 21 of the Specific Relief Act, 1877, after the words "Code of Civil Procedure" the words and figures "and the Mysore Arbitration Regulation," shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted.

Government to be bound.

22. The provisions of this Regulation shall be binding on the Government.

THE FIRST SCHEDULE.

(SEE SECTION 6.)

Provisions to be implied in submissions.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writting within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them, respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

(See section 18.)

FORM I.

Submission to single arbitrator.

In the matter of the Mysore Arbitration Regulation :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning ;

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.
C. D.

Dated the ,

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Mysore Arbitration Regulation :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning ;

Now we, the said A. C. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.
C. D.

Dated the , 19 .

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Mysore Arbitration Regulation :—

Whereas, by an agreement in writing, dated the day of , 19 , and made between A. B. of and C. D. of , it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned ;

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning ;

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(Signed) A. B.
C. D.

Dated the , 19 .

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of , 19 .

(Signed) X. Y.,
Arbitrator.

Dated the , 19 .

FORM V.

Special case.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

The following special case is, pursuant to the provisions of section 10, clause (*b*), of the said Regulation, stated for the opinion of the * :—

*Here specify the Court.

(*Here state the facts concisely in numbered paragraphs.*)

The questions of law for the opinion of the said Court are :—

First, whether.....

.....

Secondly, whether.....

.....

(*Signed*) X. Y.

Dated the , 19 . *Arbitrator.*

FORM VI.

Award.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

Whereas in pursuance of an agreement in writing dated the day of , 19 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y., the matters in difference between them concerning (*or as the case may be*);

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows :—

I award—

(1) that.....

.....

(2) that.....

.....

(*Signed*) X. Y.,

Dated the , 19 . *Arbitrator.*

STATEMENT OF OBJECTS AND REASONS.

The existing law relating to arbitration in the State is the same as it was in British India before 1898. It was found to be inadequate as the provisions in the Specific Relief Act were of a negative kind and those in the Code of Civil Procedure were defective in that it was doubtful if they would apply to disputes which might arise in future and that they required the agreement to refer either to name the particular arbitrator or to leave the Court to appoint one. To remedy these defects the Indian Arbitration Act IX of 1899 was passed and it is stated to be working well in British India. The necessity for these provisions is also felt here as it is proposed to amend the law relating to Joint Stock Companies and the provisions in the existing Regulation are found to be neither satisfactory nor well drafted. The Bill is based entirely on the Indian Arbitration Act, 1899.

THE MYSORE LUNACY REGULATION.

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SCHEDULE I.—FORMS.

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REGULATION No. I OF 1916.

A Regulation to consolidate and amend the law relating to Lunacy.

(Received the assent of His Highness the Maharaja on the 25th day of February 1916.)

Whereas it is expedient to consolidate and amend the law relating to lunacy; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRILIMINARY.

CHAPTER I.

Short title and extent.

1. (1) This Regulation may be called the Mysore Lunacy Regulation, 1916.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "asylum" means the asylum for lunatics established by Government at Bangalore:

(2) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from the asylum:

(3) "district court" means the principal Civil Court of original jurisdiction:

(4) "criminal lunatic" means any person for whose confinement in, or removal to, the asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1904:

(5) "lunatic" means an idiot or person of unsound mind:

(6) "magistrate" means a District Magistrate, Sub-Divisional Magistrate or a Magistrate of the first class specially empowered by Government to perform the functions of a magistrate under this Regulation:

(7) "medical officer" means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of Government to be a medical officer for the purposes of this Regulation:

(8) "medical practitioner" means the holder of the degree of Doctor, Bachelor or licentiate of medicine and surgery of any of the British or Indian Universities and any person trained in a medical college or school who holds a diploma or certificate granted by the Government of Mysore or by any Local Government in British India declaring him to be qualified to practice medicine, surgery or midwifery or be qualified for the duties of an Assistant or Sub-Assistant Surgeon:

(9) "prescribed" means prescribed by this Regulation or by rule made thereunder:

(10) "reception order" means an order made under the provisions of this Regulation for the reception into the asylum of a lunatic other than a lunatic so found by inquisition:

(11) "relative" includes any person related by blood, marriage or adoption: and

(12) "rule" means a rule made under this Regulation.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

Reception of Lunatics.

Reception of persons in asylum.

3. (1) No person other than a criminal lunatic or a lunatic so found by inquestion shall be received or detained in the asylum without a reception order save as provided by sections 7, 14 and 69.

Provided that the person in charge of the asylum may, with the consent of two of the visitors of the asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in the asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in the asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave the asylum.

Reception orders on petition.

Application for reception order.

4. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

Application by whom to be presented.

5. (1) The petition shall be presented, if possible, by—

(*a*) the husband or wife of the alleged lunatic, or

(*b*) by any other relative of his.

(2) If the petition is not so presented, it shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

Procedure upon petition for reception order.

6. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention of alleged lunatic pending inquiry.

7. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

Consideration of petition.

8. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Order.

9. At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same; and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition.

10. No reception order shall be made under section 6 or section 9, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(*a*) the Magistrate is satisfied that the person in charge of the asylum is willing to receive the lunatic, and

(*b*) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

Reception orders otherwise than on petition.

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

11. (1) Every officer in charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatics.

12. Whenever any person is brought before a Magistrate under the provisions of sub-section (1) of section 11, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into the asylum:

Provided that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned

that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

Order in case of lunatic cruelly treated or not under proper care and control.

13. (1) If it appears to the Magistrate, on the report of a police officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 12, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into the asylum.

Detention of alleged lunatic pending report by medical officer.

14. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 11 or section 13, the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary :

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Further provisions as to reception orders and medical certificates.

Medical certificates.

15. (1) Every medical certificate under this Regulation shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Regulation shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatic.

16. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate, has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

Authority for reception.

17. A reception order, if the same appears to be in conformity with this Regulation, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Copy of reception order to be sent to person in charge of asylum.

18. Any authority making a reception order under this part shall forthwith send a certified copy of the order to the person in charge of the asylum.

Detention of lunatics pending removal to asylum.

Detention of lunatics pending removal to asylum.

19. When any reception order has been made under Sections 6, 9, 12 or 13, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to the asylum be detained in suitable custody in such place as the Magistrate thinks fit.

Lunatic prisoners how to be dealt with.

20. (1) Where it appears to Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to the asylum or other place of safe custody within the State there to be kept and treated as Government directs, during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to Government that the prisoner has become of sound mind, Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within Mysore, or if the prisoner is no longer to be kept in custody, order him to be discharged.

Reception and detention of criminal lunatics.

Reception and detention of criminal lunatics.

21. An order under Section 466 or Section 471 of the Code of Criminal Procedure, 1904, or under Section 20 of this Regulation, directing the reception of a criminal lunatic into the asylum shall be sufficient authority for the reception and detention of any person named therein in the asylum.

Reception after inquisition.

Reception after inquisition.

22. A lunatic so found by inquisition may be admitted into the asylum on an order made by the District Court.

Order for payment of cost of maintenance of lunatic.

23. (1) When any lunatic has been admitted into the asylum in accordance with the provisions of Section 22, the District Court shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him:

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned.

Amendment of order or certificate.

Amendment of order or certificate.

24. If after the reception of any lunatic into the asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the asylum, one of whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

Appointment of visitors.

25. (1) Government shall appoint for the asylum not less than three visitors, one of whom at least shall be a medical officer.

(2) The Inspector-General of Prisons shall be a visitor *ex-officio* of the asylum.

Monthly inspection by visitors.

26. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month together inspect every part of the asylum and see and examine, as far as circumstances will permit, every lunatic and boarder therein and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Inspection of criminal lunatics by Inspector-General or visitors.

27. (1) When any person is confined under the provisions of Section 466 or Section 471 of the Code of Criminal Procedure, 1904, the Inspector-General of Prisons, if such person is confined in a jail or the visitors of the asylum or any two of them, if he is confined in the asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined.

(2) Government may empower the officer in charge of the jail in which such person may be confined to discharge all or any of the functions of the Inspector-General under sub-section (1).

Discharge of lunatics.

Order of discharge from asylum by visitors.

28. (1) Three of the visitors of the asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in the asylum, and such person shall thereupon be discharged.

Provided that no order under this sub-section shall be made in the case of a criminal lunatic, otherwise than as provided by section 20 of this Regulation.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

Discharge of lunatics in other cases.

29. A lunatic detained in the asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum:

Provided that no lunatic shall be so discharged if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

Order of discharge on undertaking of relative for due care of the lunatic.

30. When any relative or friend of a lunatic detained in the asylum under the provisions of section 12 or 13 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Discharge of person subsequently found on inquisition not to be of unsound mind.

31. If any lunatic detained in the asylum on a reception order made under sections 6, 9, 12 or 13 is subsequently found on an inquisition under Chapter IV not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Escape and re-capture.

Order to justify detention and recapture after escape.

32. Every person received into the asylum under any such order as is required by this Regulation, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police officer or by the person in charge of the asylum, or any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in the asylum:

Provided that in the case of a lunatic not being a criminal lunatic the power to re-take such escaped lunatic under this section shall be exerciseable only for a period of one month from the date of his escape.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

Power of District Court to institute inquisition as to persons alleged to be lunatic.

33. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

34. Application for such inquisition may be made by any relative of the alleged lunatic or by the Government Pleader, as defined in the Code of Civil Procedure, 1911, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Deputy Commissioner of the district in which it is situate.

Application by whom to be made.

35. (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

Notice of time and place of inquisition.

(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it things fit.

(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

36. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

Powers of Court in respect of attendance and examination of lunatics.

(2) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

37. The attendance and examination of the alleged lunatic under the provisions of section 36 shall, if the alleged lunatic be a woman who according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other Civil cases.

Rules respecting attendance and examination of females alleged to be lunatic.

38. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assesors to the Court in the said inquisition.

Inquisition by District Court and finding thereon.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

39. (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

Inquisition by subordinate Court on commission issued by District Court and proceedings thereof.

(2) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors, if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 38, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

40. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

Custody of lunatics and management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.

41. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Deputy Commissioner to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Deputy Commissioner previously obtained.

(2) The Deputy Commissioner shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over proceedings of Deputy Commissioner.

42. All proceedings of the Deputy Commissioner in regard to the person or estate of a lunatic under this chapter shall be subject to the control of Government or of such authority as it may appoint in this behalf.

Power of District Court to appoint guardian and manager and take security from manager.

43. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that a District Court may instead of appointing a manager of the estate of a lunatic proceed under Sections 44 and 45.

(2) Any person who has been appointed by the District Court or Deputy Commissioner to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Deputy Commissioner, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

44. (1) If it appears to the District Court having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may instead of appointing a manager of the estate, order that the property if realised, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Power to apply property for lunatic's in case of temporary lunacy.

45. If it appears to the District Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under Section 44 direct his property or a sufficient part of it to be applied for the purpose aforesaid.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

46. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Remuneration of managers and guardians.

47. A guardian of the person of a lunatic or a manager of his estate appointed under this chapter shall be paid such allowance, if any, as the Court or the Deputy Commissioner, as the case may be, thinks fit for his care and pains in the execution of his duties.

48. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

Duties of guardian.

(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Deputy Commissioner, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

49. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic:

Powers of manager.

Provided that no manager so appointed shall without the permission of the Court—

(*a*) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic,

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

50. (1) Every person appointed by the District Court or by the Deputy Commissioner to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Deputy Commissioner, as the case may be, an inventory of the immovable property belonging to the lunatic and of all such money, or other movable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

Manager to furnish inventory and annual accounts.

(2) Every such manager shall also furnish to the Court or to the Deputy Commissioner annually, within three months of the close of the year an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

51. If any relative of the lunatic, or the Deputy Commissioner by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Deputy Commissioner, if the manager was appointed by the Deputy Commissioner.

Proceedings if accuracy of inventory or accounts is impugned.

52. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate, and shall be invested from time to time in any of the securities that may be authorised for this purpose by Government, unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

Payment into public treasury and investment of proceeds of estate.

53. Any relative of a lunatic may with the leave of the District Court sue for an account from any manager appointed under this chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or any sums of money or other property received by him on account of such estate.

Relative may sue for an account.

54. (1) The District Court, for any sufficient cause, may remove any manager appointed by it and may appoint any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

Removal of managers and guardians.

(2) The Court may also, for any sufficient cause, remove any guardian of the person of the lunatic appointed by it, and may appoint any other fit person in his place.

(3) The Deputy Commissioner, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and my appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Deputy Commissioner, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

55. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

Penalty on manager for refusing to deliver accounts or property.

56. (1) When any person has been found under this chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of magaging himself and his affairs.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside, on such terms and conditions as to the Court may seem fit.

57. An appeal shall lie to the Chief Court from any order made by a District Court, under this chapter.

Appeals.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSE OF LUNATICS.

58. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any movable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

Application of property in the possession of a lunatic found wandering.

Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.

59. If a lunatic detained in the asylum on a reception order made under section 12 or section 13 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the reception order may apply to the District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

Order of Court and enforcement thereof.

60. (1) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic, together with the costs of the application out of such estate or from such person.

(2) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as a decree made by the said Court in a suit in respect of the property or person therein mentioned.

Saving of liability of relatives to maintain lunatic.

61. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Regulation.

CHAPTER VI.

RULES.

Power of Government to make rules.

62. (1) Government may make rules for all or any of the following purposes, namely:—

(*a*) to prescribe forms for any proceeding under this Regulation;

(*b*) to prescribe places of detention and regulate the care and treatment of persons detained under section 7 or section 14;

(*c*) to regulate the confinement, care, treatment and discharge of criminal lunatics;

(*d*) to regulate the management of the asylum and the care and custody of the inmates thereof;

(*e*) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to the asylum;

(*f*) save as otherwise provided in this Regulation, generally to carry into effect the provisions of the Regulation.

(2) In making any rule under these section, Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication of rules.

63. All rules made under section 62 shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Regulation.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Penalty for improper reception or detention of lunatic.

64. Any person who—

(*a*) otherwise than in accordance with the provision of this Regulation receives or detains a lunatic or alleged lunatic in the asylum, or

(*b*) for gain detains two or more lunatics in any place not being the asylum, shall be punishable with imprisonment which may extend to two years or with fine or with both.

Provision as to bonds.

65. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Regulation.

Pension of lunatic payable by Government.

66. (1) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(2) Government shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Use of forms in Schedule.

67. Subject to any rules, the forms set forth in the First Schedule with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Protection to persons acting under Regulation.

68. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Power to give effect to warrants and orders of certain Courts outside Mysore.

69. The officer in charge of the asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or authority beyond the limits of Mysore notified by Government in this behalf in the official Gazette from time to time.

Power to make rules for reception of lunatics received from outside Mysore.

70. The Government may make rules regarding the reception and detention in the asylum of lunatics whose reception and detention are provided for by section 69.

All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Regulation and by or to the authority empowered thereby in such behalf.

Repeal of enactments.

72. The enactments mentioned in the Second Schedule are repealed to the extent specified in the fourth column thereof.

SCHEDULE I.

FORMS.

(*See section 67.*)

FORM I.

Application for Reception Order.

(*See sections 4 and 5.*)

In the matter of A. B. [1], residing at , by occupation , son of ; a person alleged to be a lunatic.

To

District Magistrate of

, [*or* Sub-Divisional Magistrate of

or Magistrate specially empowered under Regulation I of 1916

for].

The petition of C. D. [1], residing at , by occupation . son of , in the town of [*or* sub-division of in the district of].

1. I am [2] years of age.

2. I desire to obtain an order for the reception of A. B. as a lunatic in the lunatic asylum situate at Bangalore.

3. I last saw the said A. B. at on the [3] day of

4. I am the [4] of the said A. B.

[*or if the petitioner is not a relative of the patient state as follows.*]

I am not a relative of the said A. B. The reasons why this petition is not presented by a relative are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows: [*State them.*]

5. The persons signing the medical certificates which accompany the petition are [5].

6. A statement of particulars relating to the said A. B. accompanies this petition.

7. [*If that is the fact.*] An application for an inquiry into the mental capacity of the said A. B. was made to the on the and a certified copy of the order made on the said petition is annexed hereto.

[*Or if that is the fact.*] No application for an inquiry into the mental capacity of the said A. B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

(Sd). C. D.

The statements contained or referred to in paragraphs are true to my knowledge; the other statements are true to my information and belief.

(Sd.) C. D.

Dated

Statement of particulars.

[*If any of the particulars in this statement is not known, the fact to be so stated.*]
The following is a statement of particulars relating to the said A. B.
Name of patient at length.
Sex and age.
Married, single or widowed.
Previous occupation.
Caste and religious belief, as far as known.
Residence at or immediately previous to the date hereof.
Names of any near relatives to the patient who are alive.
Whether this is first attack of lunacy.
Age (if known) on first attack.
When and where previously under care and treatment as a lunatic.
Duration of existing attack.
Supposed cause.
Whether the patient is subject to epilepsy.
Whether suicidal.
Whether the patient is known to be suffering from phthisis or any form of tubercular disease.

[1] Full name, caste and titles.

[2] Enter the number of completed years. The petitioner must be at least eighteen or twenty-one whichever is the age of majority under the law to which the petitioner is subject.

[3] A day within fourteen days before the date of the presentation of the petition is requisite.

[4] Here state the relationship with the patient.

[5] Here state whether either of the persons signing the medical certificate is a relative, partner or assistant of the lunatic or of the petitioner and, if a relative of either, the exact relationship.

Whether dangerous to others, and in what way.

Whether any near relative (stating the relationship) has been affected with insanity.

Whether the patient is addicted to alcohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.

[The statements contained or referred to in paras are true to my knowledge. The other statements are true to my information and belief.]

[*Signature by person making the statement.*]

FORM 2.

Reception Order on Petition.

(*See sections 6, 9.*)

I, the undersigned E. F., being the District Magistrate of [*or* the Sub-Divisional Magistrate of *or* a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under Regulation I of 1916] upon the petition of C. D. of [1] in the matter of A. B., [1] a lunatic, accompanied by the medical certificates of G. H., a medical officer, and of J. K., a medical practitioner [*or* medical officer], under the said Regulation, hereto annexed, hereby authorise you to receive the said A. B. into your asylum. And I declare that I have [*or* have not] personally seen the said A. B. before making this order.

(Sd.) E. F.
(*Designation as above.*)

To [2]

[1] Address and description.
[2] To be addressed to the officer or person in charge of the asylum.

FORM 3.

Medical certificate.

(*See sections 15, 16.*)

In the matter of A. B. of [1] in the town of [*or* the sub-division of in the district of] an alleged lunatic.

I, the undersigned C. D., do hereby certify as follows:

1. I am a gazetted medical officer [*or* a medical practitioner declared by Government to be medical officer under Regulation I of 1916] / a holder of [2] [*or* declared by Government to be a medical practitioner under Regulation I of 1916], and I am in the actual practice of the medical profession.

2. On the day of 19 at [3] in the town/village of [*or* the sub-division of in the district of] [separately from any other practitioner] [4], I personally examined the said A. B. and came to the conclusion that the said A. B. is a lunatic and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, *viz.*:—

(*a*) Facts indicating insanity observed by myself, *viz.*:—

(*b*) Other facts (if any) indicating insanity communicated to me by others, *viz.*:—

Here state the information and from whom.

[1] Insert residence of patient.
[2] Insert qualification to practise medicine and surgery registrable in the United Kingdom.
[3] Insert place of examination.
[4] Omit this where only one certificate is required.
[5] To be addressed to the person in charge of an asylum duly authorised by Government to receive lunatic Europeans subject to the Army Act.

(Sd). C. D.
(*Designation as above.*)

FORM 4.

Reception Order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated sent to the asylum.

(*See sections 12, 13.*)

I, C. D., the District Magistrate of [*or* the Sub-Divisional Magistrate of *or* a Magistrate specially empowered by Government under Regulation I of 1916] having caused A. B. to be examined by E. F., a Medical Officer under the Mysore Lunacy Regulation, 1916, and being satisfied that A. B. [*describing him*] is a lunatic who was wandering at large [*or* is a person dangerous by reason of lunacy] [*or* is a lunatic not under proper care and control *or* is cruelly treated or neglected by the person having the care or charge of him] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. into your asylum.

(Sd.) C. D.
(*Designation as above.*)

Dated the

To the officer in charge of the asylum at Bangalore.

FORM 5.

Bond on the making over of a lunatic to the care of relative or friend.

(*See sections 12, 13.*)

Whereas A. B., son of , inhabitant of , has been brought up before C. D., the District/Sub-Divisional Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation I of 1916] and is a lunatic who is believed to be dangerous [*or* deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him] and whereas I. E. F., son of , inhabitant of , have applied to the Magistrate that the said A. B. may be delivered to my care:

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others: and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19 .

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19 .

(*Signature.*)

FORM 6.

Bond on the discharge of a lunatic from the asylum on the undertaking of relative or friend to take due care.

(*See section 30.*)

Whereas A. B., son of , inhabitant of , is a lunatic who is now detained in the lunatic asylum at Bangalore, under an order made by C. D., the District/Sub-Divisional Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation I

of 1916] under section 13 [*or* section 14] of Regulation I of 1916, and whereas I, E. F., son of , inhabitant of , have applied to the said Magistrate that the said A. B. may be delivered to my care and custody:

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore, the sum of rupees;

Dated this day of 19

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making dofault therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(*Signature.*)

SCHEDULE II.

ENACTMENTS REPEALED.

(*See Section 72.*)

1	2	3	4
Year	No.	Short title	Extent of Repeal
1872 ...	...	Rules relating to the custody and guardianship of minors, idiots and other disqualified persons in the Province of Mysore published in Notification by the Government of India, Foreign Department, No. 75—J., dated the 25th April 1872.	So much as has not been repealed
1874 ...	...	Rules for the reception and detention of lunatics in asylums in the Province of Mysore, published in Chief Commissioner's Notification No. 141, dated the 31st July 1874.	The whole.
1904 ...	II	Code of Criminal Procedure, 1904	Section 471, sub-section (2) and section 472.

M. VISVESVARAYA,
Dewan.

Registered No. M—1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, MAY 25, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 4600—Regis. 30-14-8, dated Bangalore, the 22nd May 1916.

The following addenda to Rule 22 of the Rules under the Mysore Registration Regulation, 1903, approved by Government, are published under Section 69 of the Regulation:—

In the second paragraph of Rule 22 *between* "or if there are interlineations, alterations, erasures, or blanks which are not attested" *and* "the Registering officer will explain what is wanted" the following shall be inserted "if the date of execution is not given in the document or if it is anterior to the date of purchase of the stamp paper on which the document is written, or if the date is given according to both the British and the Indian Calendars and those dates do not tally" and the word "or" shall be omitted *before* "if there are interlineations, etc.," quoted above.

2. After the second paragraph the following shall be added as paragraph 3.

"If however, any of the impediments referred to above is discovered after the presentation endorsement has been made on the document, the latter may be returned for correction or amendment if the party so desires with an endorsement to that effect. Should the document be presented again, a representation endorsement shall be made."

The existing three paragraphs of the rule should be numbered as 1, 2 and 4.

No. J. 4601—Regis. 30-14-9, dated Bangalore, the 22nd May 1916.

The following rules for the maintenance of minute books by registering officers are approved by Government and published in accordance with Section 69 of the Mysore Registration Regulation, 1903, for general information. These rules will be numbered as Rules 42 A, 42 E of the Mysore Registration Rules:—

42 (A). Every registering officer shall maintain a minute book in the form appended hereto.

42 (B). (i) In this book shall be entered a brief record of each day's proceedings in respect of every document on which a presentation endorsement has been made and which is not admitted to registration on the day of presentation, such as a document presented for registration and returned for correction under Rule 22, para 3, an impounded document, a document put aside pending appearance of parties or witnesses, a document pending reference to the Registrar or a will presented after the death of the testator and pending enquiry.

(ii) This record shall also include references to the following:—

a. Documents which ought to be presented for registration in a different office but which has been accepted for registration through oversight, and have been returned for presentation in the proper office, after the presentation endorsement has been made;

b. Documents presented by a party not entitled to present the same and returned after the presentation endorsement has been made, for presentation by the proper person;

c. Documents accepted for registration but returned unregistered at the request of the party presenting them;

d. The return of a sealed cover containing a will on the ground that it is not sealed or that it has not been superscribed with the name of the testator and that of his agent (if any) and the nature of the document (Section 42 of the Regulation).

e. The proceedings of a Registrar on each day in appeals and enquiries under the Regulation.

42 (C). (i) The entry shall be made by the Registering officer who deals with the document to which the entry relates and the entries for each day shall be initialled and dated by him.

42 (D). A document accepted for registration but returned unregistered at the request of the presentant [Rule 42 B. ii (*c*)] shall not be entered in Book 2.]

42 (E). A registering officer may grant copies of the notes of statements recorded in the minute book to the parties to the proceedings in which such statements were made and to parties claiming title through them as persons interested in affirming or denying the truth of such statements, but save to persons so interested he is not bound to give such copies.

FORM OF MINUTE BOOK.

Serial No.	Date	Reference to last serial number (in black ink) and subsequent serial number (in red ink)	Number and date of presentation of document	Minute	Reference to final disposal

By Order,
V. R. THYAGARAJA IYER,
Secretary to Government,
Revenue Department.

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Registered No. M—1175.

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BANGALORE, THURSDAY, JUNE 1, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 429—L. C., dated Bangalore, the 30th May 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the following bill to amend the Mysore Muzrai Regulation, 1913, is published for general information together with a statement of objects and reasons.

By Order,

G. SREENIVASA IYER,

Secretary, Mysore Legislative Council.

A Bill to amend the Mysore Muzrai Regulation, 1913.

Whereas it is expedient to amend the Mysore Muzrai Regulation, 1913; His Highness the Maharaja is pleased to enact as follows:—

Addition of a new section after section 38.

After section 38 of the Regulation the following new section shall be inserted as section 39.

"39. The Chief Commissioner's Circular Order No. 30, dated 26th October 1854, prohibiting the institution of suits for pujari rights in Civil Courts is hereby repealed."

Repeal.

STATEMENT OF OBJECTS AND REASONS.

In the Full Bench Case of Apajia *vs* Beeragowda (18 M. L. R.) the Chief Court have held that the Circular Order of the Chief Commissioner of Mysore issued on the 26th October 1854, prohibiting the institution of suits for pujari rights

in Civil Courts, not having been cancelled or repealed, the jurisdiction of the Civil Courts in such matters is excluded, even as regards pujaris of private temples which are not Government institutions and which are not under the management of the Muzrai Department.

The Muzrai Regulation has reproduced the matter of the Chief Commissioner's Circular and made it more definite by applying it only to the case of Muzrai institutions. Thus the case of pujari rights in institutions other than Muzrai institutions has been left unprovided for.

To remove all doubts in the matter and bring such cases under the jurisdiction of the ordinary Civil Courts it is now proposed to expressly repeal the Circular Order of the 26th October 1854.

Registered No. M—1175.

The Mysore Gazette

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BANGALORE, THURSDAY, JUNE 8, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 430—L. C., dated 5th June 1916.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Friday the 30th June 1916, at 12 noon.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Registered No. M—1175.

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The Mysore Gazette

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BANGALORE, THURSDAY, JUNE 15, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. J. 4846—Legis. 47-15-1, dated Bangalore, 13th June 1916.

In exercise of the powers conferred by Section 12 A of the Mysore Legislative Council Regulation, 1907, the Government of His Highness the Maharaja are pleased to amend as follows the rules for the discussion of the Budget and the asking of questions in the Legislative Council issued under Government Notification No. J. 2291—Legis. 20-13-1, dated the 12th February 1914:—

"In Rules 9 and 12, substitute 'the words 'twelve clear days' for the words 'ten days'."

By Order,
D. M. NARASINGA RAO,
Secretary to Government,
General Department.

No. 456—L. C., dated Bangalore, 10th June 1916.

The meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Thursday the 29th June 1916, at 12 noon instead of on the 30th June 1916.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

No. 481—L. C., dated 13th June 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council the following report of the Select Committee appointed to consider the Bill to amend the Mysore Tramways Regulation, 1906, is published for general information together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore Tramways Regulation, 1906.

We, the Members of the Select Committee appointed to consider the Bill to amend the Mysore Tramways Regulation, 1906, have the honor to submit the following report to the Council, together with the bill as amended by us.

2. We have examined the Bill carefully and consider that the clause proposed, as originally drafted, is not sufficiently full, definite or precise. We therefore recommend the substitution in its place of the new clause appended to our report, which will appropriately come before, instead of after, Section 48.

3. Paragraph (1) of the new clause is drafted on the lines of Section 176 of the Mysore Municipal Regulation, 1906.

4. Paragraph (2) is intended to provide expressly that only such provisions of the existing Regulation will apply to the case of tramways worked by Government as may be considered suitable and therefore specially extended by Government. Among provisions which in our opinion may be so applied, subject to suitable modifications, are Sections 14 to 16, 28 to 32, 34, 38, 41, 42 and 44. Section 48 will of course apply as it comes *after* the new clause.

5. As the provisions of the Indian Act corresponding to our Regulation have been construed as not applicable to tramways worked by electric power, words have been added to the new clause with a view to its applicability to tramways worked by electrical power also.

6. The Bill as amended by us may be published.

K. S. CHANDRASEKHARA AIYAR.
C. S. BALASUNDARAM IYER.
K. P. PUTTANNA CHETTY.
M. VENKATAKRISHNAIYA.

The Bill to amend the Mysore Tramways Regulation, 1906.

As amended by the Select Committee.

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to amend the Mysore Tramways Regulation, 1906; His Highness the Maharaja is pleased to enact as follows:—

[Addition of a new section after Section 48.]

[After Section 48 of the Regulation, the following new section shall be added as Section 49.

Special provision in regard to tramways constructed under the authority of Government.

"49. Notwithstanding anything contained in this Regulation, it shall be lawful for Government to authorise the construction of electric tramways by any agency they deem fit and by means of a special order published in the official Gazette to confer and impose on such agency all or any of the powers and liabilities under this Regulation, which may be found necessary from time to time and the provisions of this Regulations shall thereupon apply to such agency subject to such modifications as may be provided in the order."]

Addition of a new section after Section 47.

" After Section 47 of the Regulation the following new section shall be inserted as Section 47A:

Special provision in regard to tramways constructed by Government.

47 A. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time—

(a) to construct a tramway within any area, to be worked by steam or other mechanical power or by electrical power;

(b) to retain the management and maintenance of any such tramway, or to entrust the same in whole or in part to any agency it thinks fit, or to resume the same from such agency;

(c) to prescribe, by notification in the official Gazette, rules having the force of law, for the proper management and maintenance of any such tramway and for the regulation of all matters and things connected therewith, and to affix a penalty not exceeding five hundred rupees for the infringement of any such rule.

(2) The provisions of the preceding sections of this Regulation shall not apply to any such tramway as is mentioned in sub-section (1) except to the extent, if any, to which the same may be applied by Government from time to time, by notification published in the official Gazette, and subject to such modifications, if any, as may be directed in such notification."

No. 482—L. C., dated 13th June 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Bill to amend the law relating to Government and other Provident Funds, is published for general information, together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Law relating to Government and other Provident Funds.

We, the members of the Select Committee appointed to consider the Bill to amend the law relating to Government and other Provident Funds, have the honour to submit the following report to the Council with the Bill as amended by us :—

We have considered the Bill carefully and have made the following amendments therein.

Clause 3 (a).—As it is considered necessary that the name of the nominee should be registered in the office of the Fund, we have inserted the words "and registered in the office of the Fund during his life time" at the end of sub-clause (*c*) of clause 3.

To make the meaning clear we have also omitted the word "deceased" in the last line of the sub-clause.

Clause 6.—We have also substituted the words "under a local authority" for the words "a District Fund or a Municipal Fund", and the word "in" for the word "under" occurring before the words "any company" and added the words "as defined in the Mysore Muzrai Regulation, VI of 1913" after the words "Muzrai institution."

The Bill as amended by us may also be published in the *Mysore Gazette.*

A. R. BANERJI.
K. P. PUTTANNA CHETTY.
J. S. CHAKRAVARTI.
C. S. BALASUNDARAM IYER.
B. K. GARUDACHAR.

A Bill to amend the Law relating to Government and other Provident Funds.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to amend the law relating to Government and other Provident Funds; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Provident Funds Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Regulation,

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions, or deposits under the rules of the Fund:

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of Government for any class or classes of its employees:

(3) "Compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option, of the subscriber or depositor and includes any contribution which may have been credited in respect of and any interest or increment which may have accrued on, such subscriptions or deposit under the rules of the Fund.

Payment from Government on death of subscriber or depositor.

3. When a subscriber to, or depositor in, any Government Provident Fund, dies, the officer or person whose duty it is to make payment of such sum may pay it,

(*a*) to any person entitled to receive it according to the rules of the Fund, or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the [deceased] subscriber or depositor to receive it, *and registered in the office of the Fund during his life time.*

(*b*) in default of any such person as aforesaid, to the person who produces a succession certificate or probate or letters of administration obtained under the law in force claiming to be entitled to receive such sum, provided that where the sum payable does not exceed one thousand rupees, payment may be made to such person whom the officer or the person making the payment after reasonable enquiry finds to be entitled to receive it.

Protection to deposits and other sums in certain cases.

4. (1) Compulsory deposits in any Government Provident Fund shall not be liable to attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and a Receiver appointed under the Mysore Insolvency Regulation, 1911, shall not be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Regulation, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorised by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

Protection for anything done in good faith under this Regulation.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Regulation.

Power to extend Regulation to other Provident Funds.

6. The Government may in its discretion, by notification in the official Gazette, extend the provisions of this Regulation to any Provident Fund established for the benefit of its employees by any Company which administers a Railway or Tramway in Mysore under contract with Government or for employees under [a District Fund or a Municipal Fund] *under a local authority*, or for any employees in any aided Educational Institution or in a Muzrai Institution *as defined in the Mysore Muzrai Regulation, VI of 1913*, or [under] *in* any company registered according to law.

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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 483—L. C., dated 21st June 1916.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to establish and incorporate a University in Mysore is published for general information together with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A BILL TO ESTABLISH AND INCORPORATE A UNIVERSITY IN MYSORE.

Preamble.

WHEREAS it is expedient for the better encouragement and organisation of education to establish and incorporate a University in Mysore; His Highness the Maharaja of Mysore is pleased to enact as follows:—

Short Title.

1. This Regulation may be called "The Mysore University Regulation, 1916."

Commencement.

2. It shall come into force at once.

The University.

Incorporation.

3. (1) The persons mentioned in the Schedule I* being the first Vice-Chancellor and members of the Council and of the Senate, and all persons who may hereafter become or be appointed as Vice-Chancellor and members of the Council and the Senate, as the case may be, so long as they continue to hold such offices are hereby constituted a body corporate by the name of the University of Mysore.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes among others of making provision for imparting education, literary, artistic and scientific, as well as agricultural, technical, commercial and professional, of furthering original research, of promoting the study of literature, art, philosophy, history, science and other branches of useful knowledge, and of imparting physical and moral training.

Power to grant degrees, etc.

4. The University shall have power—

(*a*) to provide for instruction in such branches of learning, as the University may decide and also for research, and for the advancement and dissemination of knowledge,

(*b*) to grant and confer degrees and other academic distinctions to and on persons who shall have pursued a prescribed course of study in the University and shall have passed the examinations held by the University,

(*c*) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(*d*) to confer honorary degrees or other distinctions,

(*e*) to withdraw degrees, diplomas, certificates or other distinctions granted or conferred, and

(*f*) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

Power to hold and dispose of property.

5. The University shall be able and capable in law to take, purchase, and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property, movable or immovable, belonging to the University; and also to do all other acts incidental or appertaining to a body corporate.

The Chancellor.

Chancellor.

6. (1) His Highness the Maharaja of Mysore shall be the Chancellor of the University, and shall by virtue of his office have full control over the affairs of the University and shall take such part as may seem fit to him in presiding over convocations and other public functions of the Uuiversity.

(2) The Chancellor may at any time direct an inspection of the University, its buildings, laboratories and other appurtenances generally for the purpose of seeing that the proceedings of the University are in conformity with the Regulation and the Ordinances. He may, by order communicated in writing, annul any proceeding which is not, in his opinion, in conformity with the Regulation or the Ordinances.

(3) The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor.

* This will be published later on.

The Senate.

Senate.

7. (1) The Senate shall, subject to this Regulation and the Ordinances, have the entire charge of the organisation of instruction in the University and the constituent colleges, the curriculum and the examination and discipline of students, and the conferment of degrees.

(2) The Senate shall consist of such number of members not less than forty and not more than sixty as may be fixed from time to time by the Chancellor. Such members shall be styled Fellows.

(3) The members of the Senate named in Schedule I shall hold office for a term of one year from the passing of this Regulation unless they vacate sooner by resignation or other cause. Any casual vacancy among such members shall be filled up by Government and a member appointed to fill such vacancy shall be a member for the residue of the said term of one year.

(4) After the lapse of the said term of one year, the Senate shall be composed of—

(*a*) the Vice-Chancellor and the other members of the Council mentioned in Section 8, the Inspector-General of Education in Mysore and the University Professors,

(*b*) ten members elected by the Senate or by Registered Graduates, and six members by the Faculties, in accordance with the Ordinances framed for the purpose, and

(*c*) the remaining members to be nominated by the Chancellor;

Provided that the election and nomination of persons as Fellows shall be so regulated as to secure in the Senate a majority of persons connected with education.

(5) The election of members shall be subject to the approval of the Chancellor.

(6) The Chancellor may, on the representation of the Senate, cancel the appointment of any person as a Fellow of the University, and as soon as such order is notified in the Gazette, the said person shall cease to be a Fellow.

The Council.

Council.

8. (1) The Executive Government of the University shall be vested in the University Council, which shall consist of not less than nine and not more than twelve members, of whom not less than four shall be University Professors.

(2) The Council shall consist of—

(i) The Vice-Chancellor,
(ii) The Principals of the constituent Colleges,
(iii) The Deans of the Faculties of Arts and Science, and
(iv) The remaining members to be appointed by the Chancellor.

Provided that the Government may at any time direct that all or any of those who are not members *ex officio* may be elected by the Senate from among its Fellows.

The Faculties.

Faculties.

9. The University shall include the Faculties of Arts and Science and such other Faculties as may from time to time be constituted by the Ordinances.

The Vice-Chancellor.

Vice-Chancellor.

10. (1) The Vice-Chancellor shall be appointed by, and shall hold office during the pleasure of, the Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be *ex officio* Chairman of the Council and the Senate. He shall be the principal executive and academic officer of the University, and shall,

in the absence of the Chancellor and Pro-Chancellor, preside over the Convocation and confer Degrees. The Vice-Chancellor shall have such powers of superintendence and control over the constituent Colleges as may be defined in the Ordinances.

Degrees.

11. The Senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by the Ordinances.

Honorary degrees.

12. Where the Vice-Chancellor and not less than three-fourths of the other members of the Council recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended.

Cancellation of degrees and the like.

13. Where evidence is laid before the Council showing that any person on whom a degree, diploma, license, title or mark of honour has been conferred or granted by the Senate has been convicted of what is in their opinion a serious offence, the Council may propose to the Senate that the degree, diploma, license, title or mark of honour be cancelled, and if the proposal is accepted by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, title or mark of honor shall be cancelled accordingly.

The Constituent Colleges.

Constituent Colleges.

14. The Central College, Bangalore, and the Maharaja's College, Mysore, and such other colleges and institutions in Mysore or Bangalore as may be handed over to the University to be managed as its constituent parts shall be deemed to be constituent Colleges of the University.

Finance and Control.

University Fund.

15. All grants made in the Government Budget of each year, and all sums paid into the Treasury by private persons or local authorities, for the purposes of the University, together with all fees and donations received, and rents, profits and other income derived from the property and funds vested in the University, shall form a fund styled the University Fund, which shall be at the disposal of the University to be employed for any of the purposes mentioned in this Regulation or in the Ordinances.

Privileges etc., of University employees.

16. Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors and other officers and servants now employed in the constituent Colleges of the University, and all such as may be employed hereafter for carrying on the work of the University, shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be entitled to the privileges and subject to the restrictions and obligations laid down in the Mysore Service Regulations.

Budget.

17. (1) The Council shall have prepared and laid before them at a meeting to be held not later than the month of March every year, complete accounts of receipts and expenditure of the University for the year preceding, and at a subsequent meeting, which shall be held in this behalf on such day as may be fixed by the Ordinances, a complete account of the actual and expected receipts and expenditure for the current year together with a budget estimate of the income and expenditure of the University for the year to commence.

(2) The budget as passed shall be submitted to Government, and it shall be competent to Government to sanction the budget with such modifications, if any, as they deem fit. The budget so sanctioned may, subject to the sanction of Government, be varied or altered from time to time as circumstances may render desirable, at a special meeting of the Council called for the purpose.

(3) No expenditure shall be incurred unless provided for in a budget so sanctioned, varied or altered.

Audit.

18. (1) The accounts of the University shall once at least in every year and at intervals of not more than fifteen months be audited by such agency as may be prescribed by the Ordinances, or if the Government so direct, by auditors appointed by Government.

(2) The auditors shall, for the purposes of their office, have access to all the accounts and other records of the University.

(3) The accounts, when audited, shall be published together with the auditor's report, in such form as may be prescribed by Government, and a copy thereof shall be submitted to Government.

Submission of proceedings to Government.

19. The Council shall submit to Government without delay copies of their proceedings and orders and of the proceedings of the Senate.

Emergency powers of Government.

20. If at any time Government are of opinion that in any matter the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Regulation and the Ordinances framed thereunder or that special measures are desirable to maintain the standard of University teaching or examinations, they may indicate to the Council any matter in regard to which they desire explanation, and call upon that body to offer such explanation as they desire to offer within such time as may be prescribed.

If the Council fail to offer any explanation within the time prescribed, or offer any explanation which in the opinion of Government is unsatisfactory, Government may issue such instructions as appear to them to be necessary and desirable in the circumstances of the case and the Council shall give effect to such instructions.

Ordinances.

Ordinances.

21. (1) Subject to the provisions of this Regulation, the Senate may, from time to time, make any Ordinances required for carrying out all or any of the purposes of this Regulation.

(2) Such Ordinances may provide for any or all of the following, among other matters, namely :—

(*a*) the constitution, powers and duties of the Council, the Senate, the Faculties and all such other bodies as it may be deemed necessary to constitute from time to time;

(*b*) the nomination, election and continuance in office of the members of the said bodies, and the filling of vacancies among members and all other matters relative to those bodies which it may be necessary or desirable to provide;

(*c*) the number and designation of officers of the University, their powers and duties, and the terms for which they shall hold office;

(*d*) the payment of fees to the University in relation to the enjoyment of privileges therefrom;

(*e*) the degrees, diplomas, licenses, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining of the same;

(*f*) the withdrawal of degrees, diplomas, licenses certificates and other academic distinctions;

(g) the tenure of office, the terms and manner of appointment, and the duties of examiners and examining Boards;

(h) the discipline to be enforced in regard to graduates and under-graduates;

(i) the membership of the University, the duties and privileges of members and removal from membership;

(j) the admission of students to the University and its examinations; and

(k) all such other subjects as are required or authorised by the Regulation to be prescribed by means of Ordinances.

(3) The First Ordinances shall be those set out in Schedule II.

(4) The Senate from time to time may make new or additional Ordinances or repeal the Ordinances in force.

(5) The Council shall have power to draft or propose to the Senate Ordinances to be made by the Senate and it shall be the duty of the Senate duly to consider the same.

(6) All new Ordinances and additions to the Ordinances, and all amendments and repeals of the Ordinances shall, before they come into effect, require the previous approval of the Government, which may sanction, disallow or remit the same for further consideration.

Miscellaneous.

Subsidiary Rules.

22. The Council, the Senate and other bodies that may be constituted under the Regulation and the Ordinances may make such subsidiary rules, not inconsistent with this Regulation and the Ordinances in force, as may be required to regulate the conduct of the business entrusted to them severally.

Acts during vacancies.

23. No act or proceeding of the University shall be deemed to be invalid merely by reason of any vacancy in any class of the Fellows or members of the Senate or Council, or by reason of the total number of Fellows or of members of the profession of education being less than the minimum prescribed by this Regulation, at the time any such act or proceeding is done or had.

SCHEDULE II.

FIRST ORDINANCES OF THE UNIVERSITY.

THE SENATE.

1. Every fellow elected and nominated under the Ordinances shall, unless his Fellowship is previously vacated by resignation or other cause, hold office for two years, but shall be eligible for re-election or re-nomination at the close of the term of office.

2. All casual vacancies among elected members shall be filled up by the body which elected the member whose place has become vacant.

3. The Senate may, for gross misbehaviour unfitting a member in its opinion for his office, and after hearing such member or any other member nominated by him on his behalf, request that his appointment be cancelled under Section 7 (6) of the Regulation.

4. Subject to the Regulation and any Ordinances made in pursuance thereof, the Senate shall, in addition to all other powers vested in it, have the following powers, *viz.*:—

(a) to discuss and declare an opinion on any matter whatsoever relating to the University;

(*b*) to make recommendation to the Council as regards the removal of any Professor or other teacher of the University or as regards the appointment of additional Professors or other teachers;

(*c*) to formulate, modify or revise schemes for the organization of Faculties of the University and to assign to such Faculties their respective subjects and also to report to the Council as to the expediency of the abolition, combination, or sub-division of any Faculty;

(*d*) to make rules for dress and medical inspection of pupils in Colleges; and

(*e*) to fix, subject to any conditions made by the Founders, which are accepted by the University, the times and modes of awarding, and the conditions of competition for, Fellowships, Scholarships and other Prizes, and to award the same.

5. The Senate shall have no power to revise orders of the Council dealing with the executive government of the University.

6. Any member of the Senate shall be empowered to bring forward a resolution dealing with any matter contained in the proceedings of the Council, or with any question arising from the budget or otherwise germane to the affairs of the University. Such resolution, if carried, shall be forwarded to the Council, and the Council shall inform the Senate in due course of the action taken. The Senate shall have power to make thereupon a representation to the Government on the subject, should the Senate not be satisfied with, or disapprove of, the course of action adopted by the Council.

THE COUNCIL.

7. The elected and nominated members of the Council shall hold office for a term of two years. All casual vacancies may be filled up by the authority which elected or nominated the member whose place has become vacant. Every member of the Council whose term has expired shall be eligible for re-election or renomination as the case may be.

8. Subject to the Regulation, and the Ordinances made in pursuance thereof, and to any general or special orders of Government, the Council shall, in addition to all other powers vested in it, have the following powers, *viz.*:—

(*a*) To determine from time to time the number of Professors, Assistant Professors, Readers, Lecturers and other members of the teaching staff as may be necessary for the University and its constituent Colleges;

(*b*) to make such appointments as may be within their powers, *i.e.*, appointments carrying a monthly salary of less than Rs. 100, and to make recommendations to Government concerning higher appointments;

(*c*) in the case of appointments within their power of disposal, to delegate, subject to the general control of the Council, the power of appointment to such authority or authorities as the Council may from time to time, by general or special resolution, direct;

(*d*) to manage and regulate the finances, accounts, investments, property, business, and all other executive affairs of the University and, for that purpose, to appoint such agents as they may think fit;

(*e*) to invest any moneys belonging to the University including any unapplied income to such stocks, funds, shares, or securities, as they shall from time to time think fit, or in the purchase of immoveable property in Mysore, and vary such investments from time to time;

(*f*) to transfer or accept transfers of any moveable or immoveable property on behalf of the University;

(*g*) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(*h*) to enter into, vary, carry out, and cancel contracts on behalf of the University;

(*i*) to entertain, adjudicate upon and, if thought fit, redress any grievances of the officers of the University, the Professors, the teaching staff, the Graduates, Under-graduates, and the University servants who may for any reason feel aggrieved;

(*j*) to maintain a register of donors to the University;

(*k*) to select a seal for the University and provide for the custody and use of the seal; and

(*l*) to draft Ordinances as and when they see fit and submit the same to the Senate for consideration and approval.

9. It shall be the duty of the Council:—

(i) to order examinations in conformity with the Ordinances, and to fix dates for holding them;

(ii) to appoint examiners, and, if necessary, to remove them, and to fix their fees, emoluments, travelling and other allowances, and to appoint Boards of Examiners and Moderators;

(iii) to declare the results of the various University Examinations and to recommend for degrees, honours, diplomas, licenses, titles and marks of honour;

(iv) to award stipends, scholarships, medals, prizes and other rewards in conformity with the ordinances and conditions prescribed for their award;

(v) to consider or make such reports or recommend such action as may be deemed necessary on proposals or motions brought forward by the members of the Senate and Faculties for consideration by the Senate;

(vi) to publish lists of prescribed or recommended text-books and courses of study; and

(vii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances.

THE FACULTIES.

10. The Faculties shall be constituted every two years.

Each Faculty shall be composed of—

(*a*) Professors of the subjects relating to the Faculty,

(*b*) Such other Fellows of the Senate, not exceeding ten in number, as may be assigned to it by the Council,

(*c*) Such Assistant Professors, Lecturers and other teachers of the University and such other persons, not exceeding ten in all, as may be appointed thereto by the Council on the recommendation of the Senate.

11. There shall be a Dean of each Faculty who shall be a fellow elected by that Faculty, and who shall hold office till the next reconstitution of the Faculty. He shall preside at the meetings of the Faculty.

12. A Faculty shall have power—

(i) to consider and report on any matter referred to it by the Senate or by the Council;

(ii) to draft regulations in regard to courses of study and examinations prescribed by the University and to lay such regulations before the Council in order that they may be brought before the Senate;

(iii) to remit any matter to a Board of Studies comprised within the Faculty for consideration and report;

(iv) to consider any report or recommendation of any Board of Studies;

(v) to hold meetings of the Faculty or a Committee of the Faculty along with any other Faculty or a Committee thereof, for the discussion of any matter of common interest; and

(vi) to make recommendations as to the appointment of Examiners.

BOARDS OF STUDIES.

13. There shall be a Board of Studies in each of the following branches of knowledge:—

i. English and French.
ii. Kannada, Telugu and Tamil.
iii. Urdu and Persian.
iv. Mathematics.
v. Physical Science.
vi. Natural Science.
vii. History and Economics.
viii. Mental and Moral Science.
ix. Sanskrit.
x. Teaching.

14. The Members of the Boards shall be appointed by the Council and shall consist of University Professors and other persons possessing special knowledge of the subjects dealt with by the Boards to which they are appointed.

15. A member of a Board of Studies shall hold office for two years and shall be eligible for re-appointment.

16. No Board shall consist of fewer than three or more than eight members.

17. Each Board shall elect its own Chairman.

18. The duties of the Boards shall be to recommend text-books, to recommend courses of study in their respective departments, to advise in all matters referred to them by the Council or by the Faculty to which they belong.

19. Any Board may consult specialists who are not members of the Board.

BOARD OF AUDIT.

20. A Board of Audit consisting of three Fellows not being members of the Council, shall be appointed by the Senate at its annual meeting.

21. The Board shall meet ordinarily once in three months, and at other times when convened by the Vice-Chancellor.

22. The Board shall examine and audit the University accounts and the accounts of the endowments and trust funds, consider ways and means and the financial effects of any important measures in contemplation, and make recommendations, when necessary, to the Council on all matters relating to the finances of the University. It shall also make an annual report to the Senate on the special features of the finances of the last preceding year.

23. Members of the Board shall hold office until the next annual meeting of the Senate. They shall be eligible for re-appointment at the expiration of their term of office. All vacancies in the Boards occurring in the course of the year shall be filled up by the Council.

THE VICE-CHANCELLOR.

24. The Vice-Chancellor shall exercise general supervision over the educational arrangements of the University, regulate the admission of the students, and maintain the discipline of the University, for which he shall be responsible to the Council.

25. The Vice-Chancellor shall have power to convene any meeting of the Council and the Senate and to perform all such acts as may be necessary to carry out or further the provisions of the Regulation and the Ordinances.

26. If any emergency arises which in the opinion of the Vice-Chancellor requires that immediate action should be taken, the Vice-Chancellor shall take

such action as he deems necessary, and report the fact to the authority which in the ordinary course would have dealt with the matter.

THE REGISTRAR TO THE UNIVERSITY.

27. There shall be appointed a Registrar who shall also be Secretary to the Senate and the Council. The Registrar may be a member of the Senate but shall not be a member of the Council.

28. The Registrar shall be appointed by the Government on the recommendation of the Council.

29. He shall ordinarily hold office for a period of two years unless he vacates the office by resignation or other cause but shall be eligible for re-appointment.

30. It shall be the duty of the Registrar—

(*a*) to be the custodian of the records, library, common seal, and such other property of the University as the Council shall commit to his charge;

(*b*) to act as Secretary to the Council and to attend all meeting of the Senate, and the Council and any Committees appointed by the Senate, and the Council and to keep minutes thereof;

(*c*) to conduct the official correspondence of the Council and the Senate;

(*d*) to issue all notices convening meetings of the Senate, Faculties, Council, Boards of Studies, Boards of Examiners, and any Committees appointed by the Senate, the Faculties, the Council, or any of the Boards;

(*e*) to perform such other duties as may, from time to time, be prescribed by the Council, and generally to render such assistance as may be desired by the Vice-Chancellor in the performance of his official duties.

31. An Assistant Registrar may be appointed, if necessary, and there shall be a permanent staff of subordinate assistants and servants.

32. The scale of establishment for the offices of the University shall be fixed by the Council from time to time.

COMMITTEES.

33. The Council may from time to time appoint Committees, consisting of Fellows of the University and also, if the Council thinks fit, of persons who are not Fellows of the University, and may delegate to such Committees such duties as it thinks fit as regards administrative or other matters affecting the University or any particular Faculty or Department, or the management or supervision of any buildings or other property of the University.

34. The Senate, the Faculties, and the Boards of Studies, shall be similarly empowered to appoint Committees to deal with, and report on, any matter that falls within their sphere.

ADMISSION.

35. No one shall be permitted to enter the University in order to study for the B.A., or B.Sc. degree unless he has passed the University Entrance Examination of this University or the Intermediate Examination of any other Indian University.

36. No one shall be permitted to present himself for the University Entrance Examination, unless he has studied for a year at one of the Collegiate High Schools recognised by the University after he has successfully completed his High School course.

37. At the University Entrance Examination, a candidate shall be examined in*—

I. English.

* *See* Appendix.

II. A second language (Kannada, Telugu, Tamil, Sanskrit, Hindustani, Persian or French.) When a student selects Sanskrit or Persian as one of his optional subjects, he shall be required to select for his second language a language other than Sanskrit or Persian.

III. One of the following groups of subjects :—

(*a*) Physics, Chemistry, and Mathematics *or* Natural Science;

(*b*) History, Logic, and Sanskrit *or* Persian *or* Elementary Economics.

38. As an exception, however, candidates who obtain promotion from the Junior Intermediate class of 1915-16 in either of the Colleges shall have the option of joining either the first year class of this University or the Senior Intermediate Class of the Madras University. Those who pass the Intermediate Examination of the Madras University from any College in 1915-16 or 1916-17, shall be admitted as students of the second year class of this University.

DEGREES.

39. The University may confer the following degrees :—

BACHELOR OF ARTS (**B.A.**)
BACHELOR OF SCIENCE (**B.Sc.**)
MASTER OF ARTS (**M.A.**)
MASTER OF SCIENCE (**M.Sc.**)
BACHELOR OF TEACHING (**B.T.**)
DOCTOR OF LETTERS (**D.Lit.**) } Honorary.
DOCTOR OF SCIENCE (**D.Sc.**) } Honorary.

40. The period of study necessary to qualify any student for graduation shall not be less than three years, all of which shall be subsequent to the date at which the student passes the University Entrance Examination or an examination recognised as equivalent to it.

41. A student shall be considered to have studied for a year at the University if he shall have attended the University lectures for such number of days during the year as may be prescribed by the Senate from time to time.

42. A candidate for the Master's degree shall have pursued his studies under the supervision of the University professors, under such rules as may be prescribed by the Council, for two years subsequent to his graduation.

43. A candidate for the degree of Bachelor of Teaching, shall have taken the Bachelor degree in Arts or Science in this or any other Indian University, and have attended for a year the prescribed course of study in this University.

COURSES OF STUDY.

44. All candidates for the B.A. degree shall be required to attend courses of study in the following subjects :—

I. English.

II. A second language (Kannada, Telugu, Tamil, Sanskrit, Hindustani, Persian or French). When a student selects Sanskrit or Persian as one of his optional subjects, he shall be required to select for his second language a language other than Sanskrit or Persian.

III. A. (*a*) in the first year,

(i) Mathematics, Physics, and Chemistry,

Or,

(ii) Zoology, Geology, and Botany.

(*b*) in the second year,

any two subjects in (i) *or* in (ii).

OR,

B. *Two* of the following subjects :—

(*a*) History.

(*b*) Economics and Political Science.

(*c*) Philosophy, Group I.

(*d*) Philosophy, Group II.

(*e*) Sanskrit *or* Persian.

Candidates for the B.Sc. degree shall be required to attend courses of study in the following subjects :—

I. English.

II. A second language (Kannada, Telugu, Tamil, Sanskrit, Hindustani *or* French), provided that French (*or* German) shall be studied in the third year.

III. (*a*) in the first year,

(i) Mathematics, Physics and Chemistry.

Or,

(ii) Zoology, Geology, and Botany.

(*b*) in the second and third years, two subjects, one principal and the other subsidiary, selected from the group studied in the first year.

46. DETAILS OF COURSES OF STUDY FOR THE B.A. DEGREE EXAMINATION.

I. ENGLISH.

(*a*) Text-books for detailed and non-detailed study.

(*b*) History and principles of literature with reference to prescribed books.

(*c*) Principles of style and eloquence.

(*d*) Composition.

II. SECOND LANGUAGE.

(a) Kannada.

(1) *Literature* :—

Text-books from the three periods.

(2) *Language* :—

Elementary knowledge of the grammar of old Kannada, and of rhetoric and prosody; and the main outlines of the history of Kannada language and literature. No text-books will be used, but lectures will be given and an elementary hand-book covering the whole field will be prepared.

(3) *Composition and Translation* :—

General principles of composition and style; and for translation, exercises to be chosen from good passages in English poetry and prose.

(b) Telugu.

(1) LITERATURE.

(2) LANGUAGE.

(3) COMPOSITION AND TRANSLATION.

(c) Tamil.

(1) LITERATURE.
(2) LANGUAGE.
(3) COMPOSITION AND TRANSLATION.

(d) Sanskrit.

(*a*) The detailed study of books prescribed from time to time.

(*b*) Grammar and Prosody as in Macdonell's "Sanskrit Grammar for Beginners" or Kale's "Smaller Sanskrit Grammar."

(*c*) The History of Literature as in Macdonell's "Sanskrit Literature" (Chapters X—XIV).

(*d*) Translation from English into Sanskrit and *vice versa*.

(e) Hindustani.

(1) LITERATURE.
(2) LANGUAGE.
(3) COMPOSITION AND TRANSLATION.

(f) Persian.

(1) PRESCRIBED BOOKS AND GRAMMAR.
(2) TRANSLATION.

(g) French.

(1) PRESCRIBED BOOKS AND GRAMMAR.
(2) TRANSLATION.

III. OPTIONAL SUBJECTS.

A. (a) Mathematics.

FIRST YEAR.

(*a*) ALGEBRA,
(*b*) TRIGONOMETRY,
(*c*) GEOMETRY, AND
(*d*) ANALYTICAL GEOMETRY.

(*a*) ALGEBRA.

Permutations and combinations. The Binomial theorem, any index, convergence and divergence of series. Indeterminate equations of the first degree.

(*b*) TRIGONOMETRY.

Properties of triangles and of the circles connected with them. Heights and distances. Division formulæ.

(*c*) GEOMETRY.

(i) *Theory.*

Concurrence and Collinearity. Loci. Elementary Maxima and Minima. The fundamental properties of the parabola.

Concurrence and Collinearity.—The use of signs as applied to lines, angles and areas. If two parallel lines are cut by three or more concurrent transversals, the corresponding segments are proportional; and the converse.

If X, Y, Z, are points in the sides BC, CA, AB of a triangle ABC, such that the perpendiculars to those sides at these points are concurrent, then

$$(BX^2-XC^2)+(CY^2-YA^2)+(AZ^2-ZB^2)=0;$$

$$\text{or}\quad BX^2+CY^2+AZ^2=CX^2+BZ^2+AY^2,$$

and the converse.

If any transversal meets the sides BC, CA, AB of a triangle in D, E, F, then

$$AF.\ BD.\ CE=AE.\ CD.\ BF;$$

and conversely, if three points D, E, F taken on the sides BC, CA, AB of a triangle, satisfy the relation AF. BD. CE=AE. CD. BF, then D, E, F are collinear.

If the lines joining any point to the vertices A, B, C of a triangle meet the opposite sides in D, E, F;

$$\text{then } AF.\ BD.\ CE=FB.\ DC.\ EA;$$

and conversely, if three points D, E, F, taken on the sides BC, CA, AB of a triangle, satisfy the relation AF. BD. CE=FB. DC. EA, then AD, BE, CF are concurrent.

If two unequal similar figures are similarly placed, the lines joining the vertices of one to the corresponding vertices of the other are concurrent.

Loci.—If from a fixed point O a variable line is drawn, and in it points P, Q are taken, so that the ratio of OP to OQ is constant, then (1) if P moves along a straight line, the locus of Q is a parallel straight line; (2) if P moves along the circumference of a circle, the locus of Q is a circle.

The locus of a point which is such that the rectangle under its distances from the equal sides of an isosceles triangle is equal to the square on its distance from the third side, is the circle which touches the equal sides at the extremities of the third side.

If A, B are fixed points, and P a variable point such that the ratio of PA to PB is one of constant inequality, then the locus of P is a circle.

Given the base and vertical angle of a triangle, find the locus of its (1) incentre, (2) orthocentre, (3) centroid, (4) excentres.

If a triangle ABC of given species has one corner A fixed, another B always on a fixed line or circle, then the locus of C will be a line or circle.

Elementary Maxima and Minima.—When two sides of a triangle are given in length, the area of the triangle is greatest when they are placed at right angles.

The maximum triangle which can be inscribed in a given segment of a circle is that formed by joining the middle point of its are to the extremities of the chord.

If A, B are two fixed points, and XY a fixed line; then for that point P in XY at which AP, BP make equal angles with XY:

(1) AP+PB is minimum, if A, B are on the same side of XY.
(2) AP~BP is maximum, if A, B are on opposite sides of XY.

If A, B are fixed points and P any point in a fixed line, the angle APB will be maximum, when the circle APB touches the fixed line.

Of all triangles having the same base and equal areas, the isosceles triangle has the minimum perimeter.

The maximum of isoperimetric triangles on the same base is the one whose other two sides are equal.

Of all polygons having all sides given but one, the maximum can be inscribed in a semi-circle having the undetermined side as diameter.

Of all isoperimetric polygons of the same number of sides, the equilateral is the maximum.

If P is any point in a given straight line AB, AP, PB is maximum and AP^2+PB^2 is minimum when P is the middle point of AB; of all rectangles, of given area, the square has the minimum perimeter.

The maximum parallelogram which can be inscribed in a triangle by drawing parallels to two of its sides, is that formed by drawing the parallels from the middle point of the third side.

(ii) *Practical Work.*

Simple cases of Orthogonal projection.

(*d*) ANALYTICAL GEOMETRY.

The point, the straight line and the circle.

SECOND AND THIRD YEARS.

(*a*) ALGEBRA,
(*b*) TRIGONOMETRY,
(*c*) GEOMETRY,
(*d*) INFINITESIMAL CALCULUS,
(*e*) DYNAMICS, AND
(*f*) ASTRONOMY.

(*a*) ALGEBRA.

Exponential and logarithmic series. Inequalities. Partial fractions. Elementary methods of summation of series. Theory of equations and elementary properties of determinants. (As in C. Smith's Higher Algebra.)

(*b*) TRIGONOMETRY.

De Moivre's theorem and its simple applications.

(*c*) PURE GEOMETRY.

Harmonic properties of the quadrilateral. Coaxal circles. Inversion. The fundamental properties of the conic sections. The geometry of the line, the plane, and the sphere.

(*d*) ANALYTICAL GEOMETRY.

Elementary plane analytical geometry as applied to conic sections (rectangular axes). The polar equation of a conic referred to the focus as origin. The general equation of the second decree.

(*e*) INFINITESIMAL CALCULUS.

(As in A. E. H. Love's *The Elements of Differential and Integral Calculus*, Cambridge University Press.)

(*f*) DYNAMICS.

(As in Loney's *Statics and Dynamics* for beginners),
and in addition: Angular Momentum and Moment of Inertia in simple cases.

(*g*) ASTRONOMY.

(As in Parker's *Elements of Astronomy*.)

(b) Physics.

FIRST YEAR.

Mechanics, Hydrostatics, Heat, Sound, Light, Magnetism and Electricity. These subjects to be repeated as in the University Entrance Course with amplifications and such additions as may be possible, the treatment being more rigid and more attention being paid to the working of numerical problems than in the school course. In Electricity a certain amount of elementary electrostatics will be introduced.

SECOND AND THIRD YEARS.

In alternate years the two following groups of subjects will be lectured on—
Properties of matter, Sound and Heat.
Light, Electricity and Magnetism.

Properties of matter.—Elasticity. Compressibility of gases, liquids and solids. Rigidity. Strain due to longitudinal pull. Young's Modulus. Simple twisting of shafts and wires treated experimentally. Diffusion. Osmosis. Viscosity. Simple elements of the kinetic theory.

Sound.—Simple theory of wave motion. Interference and diffraction. Measurement of wave lengths and pitch.

Heat.—Calorimetry and thermometry. Conduction, convection and radiation of heat. Simple thermodynamics.

Light.—Simple physical optics and geometrical optics.

Electricity.—Elementary electrostatics treated quantitatively. Resistance and its measurement. Electromotive force and its measurement. Electrolysis. Thermo-electricity. Electromagnetic induction. The theory and practical use of the commoner electrical aparatus.

Magnetism.—Force on magnet in a magnetic field. Measurement of field strength. Terrestrial magnetism and its measurement.

(c) Chemistry.

FIRST YEAR.

The matter prescribed in the Syllabus for the University Entrance Course and in addition the following :—

The classification of the elements. Laws of chemical combination. Atomic theory, symbols and formulæ. Avogadro's hypothesis. Atomic and molecular weights. Chemical equations. Calculations.

The methods of preparation and the properties of the following elements and their principal compounds :—Hydrogen, sodium, potassium, copper, silver, magnesium, calcium, barium, zinc, mercury, boron, aluminium, carbon, silicon, tin, lead, nitrogen, phosphorus, arsenic, oxygen, sulphur, fluorine, chlorine, bromine, iodine, iron.

SECOND AND THIRD YEARS.

The descriptive portion will include the elements and their compounds studied in detail from the standpoint of the periodic classification, omitting the rare metals and the chemistry of carbon compounds.

Theoretical and Physical Chemistry.

Methods of determining equivalent, atomic, and molecular weights ; the atomic theory ; valency ; the properties of gases ; transition from gaseous to liquid state, vapour pressure and boiling point ; solutions and solubility, osmotic pressure ; theory of electrolytic dissociation ; electrolysis ; relation of chemical energy to electrical energy and to heat ; the law of mass-action ; speed of chemical change catalysis ; relation of physical properties to chemical constitution.

Practical Course.

Qualitative analysis of simple salts and of mixtures containing not more than two bases and two acids ; volumetric analysis ; inorganic preparations.

(d) Zoology.

FIRST YEAR.

1. *Outlines of General Biology.*—The distinctive properties of living and non-living bodies ; the special characters of animals and plants, their mode of occurrence, meaning of the terms Biology, Morphology, Physiology, Palæontology ; fossils, their mode of formation and the bearing of their study on Zoology and Geology, physical and Chemical properties of Protoplasm; structure, growth and behaviour of the cell;

formation of tissues and organs; division of physiological labour; elements of animal and vegetable physiology and reproduction; segmentation of the ovum; fertilisation in animals and plants; production and dispersal of seeds and spores; the principles of classification and the origin of species.

2. *Outlines of Zoology.*—The more important distinguishing external characters of the following primary sub-divisions of the animal kingdom:—

Protozoa, Cœlenterata, Annulata, Echinodermata, Arthropoda, Mollusca, Vertebrata (with proper omissions).

Practical Work.

(*a*) A complete examination of the external characters of the following types:—Earthworm, prawn, crab, beetle, dragon-fly, spider, scorpion, centipede, star-fish, fresh water mussel, snail, dog-fish and a bony fish.

(*b*) Microscopic study of Amœba, Paramæcium, and Hydra.

(*c*) Dissection of cockroach, frog and rabbit.

SECOND AND THIRD YEARS.

[NOTE.—Knowledge of groups of lower rank than orders will not be expected and particular attention will be devoted to the study of forms which have an economic importance.]

1. A study of the invertebrata as illustrated by:—

Protozoa. The leading types of the principal classes, with only a very general reference to pathogenic forms.

Porifera. The fresh water sponge and the bath sponge, with an allusion to sponge fishery.

Cœlenterata. A consideration of the outstanding examples of the principal groups including a study of the precious coral.

Annulata. Earthworm and medicinal leech.

Arthropoda. The more important types of the different classes with a special emphasis on insect study in its economic, industrial and sanitary aspects.

Echinodermata. A study of the leading examples.

Mollusca. The chief examples of the important classes including a study of the economic groups.

2. A study of the vertebrata as illustrated by:—

Pisces. Cartilaginous and bony fishes.

Amphibia. The frog and its life history.

Reptilia. A lizard, a chelonian and a snake; a reference to the chief kinds of snakes met with in Southern India, their recognition and treatment of snake bites.

Aves. The pigeon, the principal game birds of Southern India and the migratory forms.

Mammals. The rabbit; a brief study of the more important mammals found in Southern India, in such a way as to bring out the general relationship which their form may bear to their habits and mode of life.

Practical Work.

The first year college course treated more fully and in addition:—

(*a*) Dissection of earthworm, scorpion, fresh water mussel and pigeon.

(*b*) Microscopic study of vorticella, euglena and shells of foraminifera.

(*c*) Examination of transverse sections of earthworm and fresh water mussel.

(*d*) Osteology of the frog, pigeon and rabbit.

(e) Geology.

PHYSIOGRAPHY.

The earth as a planet, its general relations to the other members of the solar system, hypotheses as to the origin of the earth; form, size and density of the earth; its movements and their effects.

The Atmosphere, its composition, height, density, pressure, temperature, moisture and movements; whether, refraction, twilight and aurora-borealis.

The Hydrosphere, its composition, extent and distribution, depth, temperature and movements.

The Lithosphere, the chief constituents of the earth's crust, the general characters and mode of occurrence of igneous and sedimentary rocks, condition of the interior of the earth.

Agents of geological change, the hypogene and epigene agents of geological change, manner and results of their action, especially as influencing earth-sculpture the destruction, construction, and gradual evolution of the crust of the earth and of its surface features.

Fossils, the main conditions favourable for their formation and preservation and their value as interpreters of the past history of the earth.

Climates, their causes and distribution; glacial epochs.

Simple facts about the geographical and geological distribution of the chief types of plant and animal life. Antiquity of man. Views as to the age of the earth's crust.

MINERALOGY AND CRYSTALLOGRAPHY.

Symmetry; lines, planes and axes of symmetry; laws of Crystallography; the common holohedral hemihedral and hemimorphic crystal forms and combinations under each of the six crystal systems; the more important types of twins and twinning; drawing of the more important crystal forms; systems of crystal notation; use of the contact Goniometer.

The principal physical properties of minerals which aid in the recognition of the various mineral species.

Isomorphism, paramorphism, pseudomorphism and dimorphism.

The chief characteristics of all the more abundant minerals, including both those which are of geological interest and those of commercial value, their modes of occurrence and uses.

The practical determination of the chief physical and chemical properties of the commoner ores and minerals, including the use of the blowpipe.

PETROLOGY.

The classification and distribution of rocks, and the composition, structure, texture, origin and mode of occurrence of all the more important types and their metamorphic and altered forms.

Contact and Rigional Metamorphism.

The macroscopic and microscopic examination of rocks, including the determination of the simpler optical characters of the chief rock forming minerals in parallel polarised light. Preparation of diagrams or sketches to represent features observed in rock sections under the microscope. Construction and use of a simple petrological microscope.

STRUCTURAL AND FIELD GEOLOGY.

The more important lithological and structural features of rocks, their origin or formation; structure of mineral veins. Diagrammatic sketches of the above.

Construction and Interpretation of geological maps and sections. Tracing of outcrops. Simple problems in structural geology.

STRATIGRAPHY AND PALAEONTOLOGY.

The chief petrological and palaeontological characters of the main geological divisions and their Indian representatives and the probable physical conditions under which they were formed.

Fossils, their nature and preservation. The main groups of vegetable and animal life and their distribution in time.

The characters, classification and distribution of the more important types of fossils—especially Indian; identification and sketching of fossils; causes for the imperfection of the geological record; the general succession of life as revealed thereby and the general evidence furnished in support of evolution; principles of correlation; homotaxis.

Practical Work.

Geological excursions to parts in and outside Mysore for nearly a month. Determination of rocks by their micro-characters and of minerals by the blowpipe, microscopic and other methods. Drawing of crystal forms, fossils and micro-sections, construction and interpretation of geological maps and sections. Problems in structural geology.

(f) Botany.

(Details to be prepared.)

B. (a) History.

(1) OUTLINES OF GREEK AND ROMAN HISTORY.
(2) HISTORY OF ENGLAND.
(3) HISTORY OF EUROPE (476—1878).
(4) HISTORY OF INDIA.

(b) Economics and Political Science.

(1) THE BRITISH CONSTITUTION.
(2) RECENT ECONOMIC HISTORY OF ENGLAND.
(3) ECONOMICS.
(4) POLITICAL SCIENCE.

(c) Philosophy: Group I.

(1) LOGIC.
(2) PSYCHOLOGY.
(3) THEORY OF KNOWLEDGE.
(4) OUTLINES OF EUROPEAN PHILOSOPHY FROM DESCARTES TO HEGEL.
(5) OUTLINES OF INDIAN PHILOSOPHY.
(6) ELEMENTS OF PHILOSOPHY. (With special reference to a prescribed Philosophical Classic.)

(d) Philosophy: Group II.

(1) PSYCHOLOGICAL AND SOCIOLOGICAL GROUNDWORK, AND HISTORY, OF ETHICS.
(2) THEORY OF ETHICS.
(3) HISTORY OF POLITICAL THOUGHT.
(4) ANCIENT PHILOSOPHY.
(5) AN ETHICO-POLITICAL TREATISE.
(6) POLITICAL PHILOSOPHY.

(e) Sanskrit.

(1) DETAILED STUDY OF BOOKS—BOTH IN PROSE AND VERSE—PRESCRIBED FROM TIME TO TIME.

(2) HISTORY OF SANSKRIT LITERATURE.

(3) GRAMMAR AND HISTORY OF SANSKRIT LANGUAGE.

(4) TRANSLATION AND COMPOSITION.

The details of the course will be as follows:—

(1) *Detailed study* of (i) Suitable selections from *Vedic* literature—
(i) Mantras and
(ii) Brahmanas.
(ii) Representative selections form *classical* literature:
(i) *Kavya, Nataka, etc.*,
(ii) *Alankara* and
(iii) *Tarka.*

(2) *History of Sanskrit Literature.*—Especially in reference to works prescribed under (1).

(Macdonell's "History of Sanskrit Literature" to form the basis of study).

(3) (i) *Grammar.*—Declension and conjugation as in Monier Williams' "Sanskrit Grammar" or Kale's "Higher Sanskrit Grammar"; remaining portions as in Rajaraja Varma's "*Laghupaniniyam*" (pages 1—20, 50—67 and 53—404).

(ii) *History of Sanskrit Language.*—To be dealt with in lectures, in the third year, according to a syllabus.

(4) (i) Translation of unprepared passages from Sanskrit into English and *vice versa* (first two years).

(ii) Simple exercises in Sanskrit Composition (third year).

(e) Persian.

(1) DETAILED STUDY OF PRESCRIBED BOOKS.

(2) HISTORY OF PERSIAN LITERATURE.

(3) GRAMMAR AND HISTORY OF PERSIAN LANGUAGE.

(4) TRANSLATION AND COMPOSITION.

A knowledge of Arabic grammar will be expected from the candidates.

47. DETAILS OF COURSES OF STUDY FOR THE B. Sc. DEGREE.

(*To be prepared.*)

EXAMINATIONS.

48. The Examinations shall be held at such time, in such places, and in such manner as may be prescribed by the Senate.

49. There shall be boards of examiners for the following subjects, or groups of subjects.

i. English and French.
ii. Kannada, Tamil and Telugu.
iii. Hindustani and Persian.
iv. Sanskrit.
v. Mathematics.
vi. Physical Science.
vii. Natural Science.
viii. Mental and Moral Science.

ix. History and Economics.
x. Teaching.

50. At least one examiner who is not on the teaching staff of the University shall be appointed by the Council for each subject or group of subjects forming part of the course of studies required for University Degrees.

51. The Council shall issue detailed instructions to examiners and determine the scale of remuneration to be paid to them.

52. Credit shall be given for regular work and progress during the years of study at the University. Candidates shall be required to submit for the inspection of Examiners their library and laboratory note-books countersigned by the Professor or Professors under whom they have worked.

53. No candidate shall be declared to have passed the Entrance examination unless he obtains not less than 40 per cent in English and 35 per cent in each of the other subject groups; provided that candidates who pass in English and obtain more than 50 per cent in all the subjects together, will be declared to have passed though they may not have obtained a minimum in one of the other groups.

54. A similar rule shall be applied in the case of those who wish to obtain qualifying certificates at the examination held at the end of the first year of the University course.

55. The B.A. examination shall be held in four divisions as follows:—

(1) English language.
(2) Second language.
(3) Optional subject, and
(4) Optional subject.

Those candidates who obtain not less than 35 per cent in each division shall be declared to have passed, provided they obtain 40 per cent of the total number of marks.

56. In the case of candidates who have failed to pass the examination, the Council shall have power to exempt them from submitting themselves to examination in divisions in which they have obtained not less than 60 per cent of marks in any examination for the B.A. degree held within two years previous to the date of application.

57. The names of successful candidates in the Entrance examination and in the first year Certificate examination shall be published in the gazette in alphabetical order.

58. In the B.A. examination, the names of those who obtain not less than 60 per cent of marks shall be arranged in order of merit, in the first division and of the rest in alphabetical order in the second division.

59. SCHEME OF EXAMINATIONS.

University Entrance Examination.

1. English.

i. Non-detailed study books for composition and composition exercises	1 paper (3 hours).
ii. Detailed study text-books	" 2 "

2. A Second Language.

i. Text-books	1 paper (3 hours).
ii. Composition and translation	1 " 2 "

3. Optional Subjects.

(a) *Mathematics*	2 papers (3 hours).
(b) *Physics*	" "
(c) *Chemistry*	" "
(d) *Natural Science*	" "

(e) *History.*
Outlines of European History ... ... 2 papers (2 hours).
(f) *Elementary Economics* ... ... 1 paper (3 hours).
(g) *Logic* ... ... 1 paper (3 hours).
(h) *Sanskrit*—
i. Prescribed books, Grammar and Prosody ... ... 1 paper (3 hours).
ii. Translation ... ... 1 paper (2 hours).
(i) *Persian*—
i. Prescribed books and Grammar ... ... 1 paper (3 hours).
ii. Translation ... ... ,, (2 hours).

First Year Examination.

1. *English.*

i. Composition ... ... 1 paper (3 hours).
ii. Poetry and Drama ... ... ,, ,,
iii. Prose ... ... ,, ,,

2. *A Second Language.*

2 papers (3 hrs. and 2 hrs.).

3. *Optional Subjects.*

A. (a) *Mathematics* ... ... 2 papers (2 hours each).
(b) *Physics* ... ... } 2 papers of 2 hours each, and practical examination, in each subject.
(c) *Chemistry* ... ...
(d) *Zoology* ... ...
(e) *Botany* ... ...

B. (a) *History.*
i. Ancient History ... ... 1 paper (3 hours).
ii. History of England ... ... ,, (2 hours).
(b) *Economics and Political Science*—
i. British constitution ... ... 1 paper (3 hours).
ii. Recent Economic History of England ... ... ,, (2 hours).
(c) *Philosophy, Group I.*
i. Psychology ... ... 1 paper (3 hours).
ii. Logic ... ... ,, (2 hours).
(d) *Philosopy, Group II.*
i. Theory of Ethics ... ... 1 paper (3 hours).
ii. Groundwork of Ethics ... ... ,, (2 hours).
(e) *Sanskrit or Persian*—
i. Text-books ... ... 1 paper (3 hours).
ii. Translation or composition ... ... ,, (2 hours).

Final Examination for the B.A. Degree.

1. *English.*

i. Drama ... ... 1 paper (3 hours)
ii. Poetry ... ... ,, ,,
iii. Prose ... ... ,, ,,
iv. Composition, General ... ... ,, ,,

2. *A Second Language.*

i. Text-books and Grammar ... ... 1 paper (3 hours).
ii. Composition and translation... ... ... ,, ,,

3. *Optional Subjects.*

A. (a) *Mathematics.*
i. Algebra and Trigonometry ... ... 1 paper (3 hours).
ii. Geometry ... ... ,, ,,
iii. Dynamics ... ... ,, ,,
iv. Calculus and Astronomy ... ... ,, ,,

(b) *Physics*		2 papers of 3 hours each, and practical examination, in each subject.
(c) *Chemistry*		
(d) *Geology*		
(e) *Zoology*		
(f) *Botany*		
B. (a) *History.*		
i. History of India	2 papers (3 hours).	
ii. History of Europe	,, ,,	
(b) *Economics and Political Science.*		
i. Economics	,, ,,	
ii. Political Science	,, ,,	
(c) *Philosophy, Group I.*		
i. Theory of knowledge	1 paper (3 hours).	
ii. Outlines of European Philosophy	,, ,,	
iii. Outlines of Indian Philosophy	,, ,,	
iv. Elements of Philosophy	,, ,,	
(d) *Philosophy, Group II*		
i. Ancient Philosophy	1 paper (3 hours).	
ii. An Ethico-Political Treatise	,, ,,	
iii. History of Political Thought	,, ,,	
iv. Political Philosophy	,, ,,	
(e) *Sanskrit or Persian.*		
i. Text-books	1 paper (3 hours).	
ii. Grammar, Translation or Composition	,, ,,	
iii. History of Language and Literature	,, ,,	
iv. Unprepared translation	,, ,,	

CONVOCATION.

60. A Convocation for the purpose of conferring degrees shall be held annually at Mysore on such date as the Chancellor may direct.

61. The Council shall frame the rules of procedure for the purpose.

REGISTRATION OF GRADUATES.

62. The Council shall maintain a register in which a Graduate of any University resident in Mysore, or other Graduates when specially permitted by the Council may be registered, on the following conditions, namely :—

(i) that he pays an entrance fee of Rupees Five along with his application to the Secretary to be registered as a Graduate; and

(ii) that he agrees to pay an annual fee (in advance) of 2 rupees;

Provided that application for registration under this Ordinance shall be made within three years from 1st July 1916.

63. The annual payment of 2 rupees may be compounded at any time by payment of Rs. 25.

FEES.

64. A fee of Rs. 60 a year shall be charged for the courses of study for the Bachelor's Degree and shall be paid in eight monthly instalments.

65. Provision shall be made for awarding free studentships to a maximum of 33 per cent of the number of the students in each class. They shall be awarded by a Committee of the Principal and the Professors of each College who shall take primarily into consideration the poverty of the applicants.

66. The scale of fees for admission to the different Examinations of the University shall be as follows :—

	Rs.
i. Entrance Examination	15
ii. B.A. or B.Sc. Degree Examination	36
iii. B. T. Degree Examination	30
iv. M.A. or M.Sc. Degree Examination	50

67. The Council may modify the scale from time to time but not so as to enhance fees for students already admitted in colleges.

EXTENSION LECTURES.

68. The Council shall appoint a Committee of Professors and other persons to make arrangements for courses of lectures on suitable subjects for the benefit of those who are unable to attend the ordinary courses of study at the University; and to publish such of the lectures as may be approved by the Committee.

PUBLICATION WORK.

69. The Council shall also appoint a Committee, to be called the University Publication Committee, for printing and publishing approved works.

70. Works of merit recommended by the Committee may be published under orders of the Council at the cost of the University.

71. Special encouragement may be given to production of works of merit in the Kannada Language.

RECOGNITION OF SCHOOLS.

72. A High School already existing or newly established which is desirous of being recognised as a school competent to present candidates for the University Entrance Examination, shall apply to the Council by a letter addressed to the Secretary to the University.

73. The School shall furnish a preliminary statement showing :—

(*a*) that the recognition applied for is necessary in public interests,

(*b*) that the financial position of the school is sound and that the rates o fees levied are reasonable,

(*c*) that the school is under the management of a regularly constituted Committee on which the teaching staff is represented,

(*d*) that the number, qualifications, character and terms of appointment of the teaching staff are satisfactory,

(*e*) that the buildings in which the school is carried on and its surroundings are suitable and that the furniture is of the proper type and adequate,

(*f*) that due provision is made for the requirements of both teachers and pupils in respect of (1) a reference and lending library, (2) scientific apparatus and appliances, (3) maps, models, natural history collections, etc.,

(*g*) that the school authorities have made provision for maintaining discipline amongst the pupils and require pupils not living with their guardians to reside in duly supervised hostels or lodging houses,

(*h*) that no teacher is allowed to teach more than 50 pupils at the same time in the University Entrance Class.

74. On receipt of the application for recognition, and of such further information as it may require, the Council shall call for a report on the application from a person or persons deputed for the purpose. After considering the report of inspection the Council shall decide whether the school shall be recognised or not, and, if recognised, in what subjects.

75. If a recognised school desires to add to the courses of instruction in respect of which it is recognised, the procedure described in the foregoing rules, so far as may be necessary, should be followed.

76. The conditions of recognition or of the continuance of recognition shall include (1) that the school shall submit to periodical inspection by a person or persons deputed by the Council, and (2) that it shall submit a short annual report of working together with a list of the staff of the school and of changes therein and a full and complete statement of accounts by such date as the Council may fix.

77. It shall be competent to the Council at any time to cancel the recognition of any school for any one of the following reasons:—

(*a*) If a school for a period of three years in succession fails to pass 33 per cent of the candidates sent up for the University Entrance Examination.

(*b*) If the reports of the inspections received show that the school is no longer worthy of recognition.

(*c*) If it is found that any of the essential conditions of recognition are no longer fulfilled.

(*d*) For any other reasons considered to be sufficient by the Council, the reason to be specified and recorded.

No action shall be taken under this rule without giving the school authorities an opportunity of stating their own case.

78. The following High Schools are recognised as competent to present candidates for the University Entrance Examination:—

The Government High School, Bangalore ...	All subjects included in III of Ordinance 37.
The Maharaja's High School, Mysore ...	Do do
The Government High School, Shimoga ...	Subjects included in III (*b*) of Ordinance 37.
Do do Tumkur ...	Do do
Maharani's College, Mysore	Do do

RESIDENCE

79. Every student who does not reside with his parents, or guardians approved by the Vice-Chancellor, shall reside in the university hostels or in lodgings approved by the Council.

80. The Council shall appoint a Committee to deal with questions relatin to the residence of students.

GENERAL

81. In matters not provided for in these Ordinances, the Senate or Council shall, till further Ordinances are duly framed, have power to frame subsidiary rules and to carry out all necessary functions and duties in such manner as may be convenient and reasonable, and in accordance with the spirit of the Regulation and Ordinances.

APPENDIX.

The University Entrance Examination.

A. ENGLISH.

(*a*) *Composition*:—

The elementary principles and methods of composition with exercises—

(i) in condensing the subject matter of portions of prose or poetry; and

(ii) in writing single paragraphs, narrative, descriptive, expository, on topics suggested by the books read or subjects of common knowledge to High School students; and

(iii) in writing complete essays of several paragraphs.

(*b*) *Literature*:—

(i) Detailed Study—

Poetry: Simple narrative or lyric.
Prose: Essays or short biography.

(ii) Non-detailed Study—

Two or three books: Greek stories, fiction, popular history or science, short biography or essays.

B. SECOND LANGUAGE.

(a) Kannada.

(*a*) *Text-books in modern Kannada Poetry and Prose.*
(*b*) *Composition on general subjects.*

(b) Telugu.

(*a*) *Text-books.*
(*b*) *Composition on general subjects.*

(c) Tamil.

(*a*) *Text-books.*
(*b*) *Composition on general subjects.*

(d) Sanskrit.

(*a*) *Detailed study of simple works prescribed from year to year.*
(*b*) *Elements of Practical Grammar.*
(*c*) *Translation from Sanskrit into English and* vice versa.

(e) Hindustani.

(*a*) *Text-books.*
(*b*) *Composition on general subjects.*

(f) Persian.

(*a*) *Detailed study of simple works prescribed from year to year.*
(*b*) *Elements of Persian Grammar.*
(*c*) *Translation from Persian into English and* vice versa.

(g) French.

(a) *Text-books and Grammar.*

(b) *Translation.*

C. OPTIONAL SUBJECTS.

(a) Mathematics.

Candidates will be required to be acquainted with the use of mathematical tables.

(1) ALGEBRA.

Algebraical laws and principles and their applications. Ratio and proportion. Theory of indices. Simple surds. Theory of Equations and expressions of the second degree. Simultaneous equations of the second degree in two unknowns. The three progressions. Interest and annuities.

(2) PLANE TRIGONOMETRY.

Measurement of angles. Trigonometrical functions and their relations to one another. Simple equations. Addition and multiplication formulæ. Solution of triangles.

[*N.B.*—Only a general outline of the subject is expected.]

(3) GEOMETRY.

(i) *Theory.*

Ratio and Proportion. Similar figures. Properties of triangles and circles. Easy deductions.

Ratio and Proportion.—Definition and elementary theorems connecting the antecedents and consequents.

A given straight line can be divided internally in a given ratio at one, and only one, point; and externally at one, and only one, point.

A straight line drawn parallel to one side of a triangle cuts the other two sides, or those sides produced, proportionally; and the converse.

If the vertical angle of a triangle is bisected internally or externally, the bisector divides the base internally or externally into segments which have the same ratio as the other sides of the triangle; and the converse.

In equal circles, angles, whether at the centres or circumferences, have the same ratio as the arcs on which they stand.

Triangles and parallelograms of equal altitude are to one another as their bases.

If two triangles have one angle of the one equal to one angle of the other, their areas are proportional to the rectangles contained by the sides about the equal angles. Similarly for parallelograms having one angle of the one equal to one angle of the other.

Similar Figures.—If two triangles are equiangular their corresponding sides are proportional; and the converse.

If two triangles have one angle of the one equal to one angle of the other and the sides about these equal angles proportional, the triangles are similar.

Two triangles are similar, if the sides of the one are respectively parallel or perpendicular to the sides of the other.

If two triangles have two sides of the one proportional to two sides of the other, and an angle in each opposite one corresponding pair of these sides equal, the angles opposite the other pair are either equal or supplementary.

If from the right angle A of a right angled triangle ABC, AD is drawn perpendicular to BC, then (1) AD is the mean proportional between BD and DC, (2)

BA is the mean proportional between BD and BC and (3) CA is a mean proportional between CB and CD.

If two triangles are similar, their corresponding lines (such as medians, altitudes, inradii,) are to one another in the ratio of their corresponding sides.

Similar triangles are to one another as the squares on their corresponding sides.

Two similar polygons can be divided into the same number of triangles similar to each other and similarly placed; and the converse.

The perimeters of two similar polygons are to each other as any corresponding sides.

Areas of similar polygons are proportional to the squares on corresponding sides.

Properties of Triangles.—The three medians of a triangle meet in a point, and this point is a point of trisection of each median, and also of the line joining the circumcentre to the orthocentre.

If D is a point in the side BC of a triangle ABC such that $BD = 1/n\ BC$, then

$$(n-1)\ AB^2 + AC^2 = n.\ AD^2 + (1 - 1/n)\ BC^2.$$

The perpendiculars from the vertices of a triangle on the opposite sides meet in a point, and the distance of each vertex from the orthocentre is twice the perpendicular distance of the circumcentre from the side opposite to that vertex.

The circle through the middle points of the sides of a triangle passes also through the feet of the perpendiculars of the triangle and through the middle points of the three lines joining the orthocentre to the vertices of the triangle.

If a perpendicular drawn from the vertex to the base of a triangle is produced to meet the circumcircle, then the distance of this point of intersection from the base is equal to the distance of the orthocentre of the triangle from the base.

The feet of the perpendiculars drawn on the sides of a triangle from any point P on the circumcircle of that triangle are collinear.

If the vertical angle of a triangle is bisected by a straight line which cuts the base, the rectangle contained by the sides of the triangle is equal to the rectangle contained by the segments of the base together with the square on the straight line which bisects the angle.

If from the vertical angle of a triangle straight line is drawn perpendicular to the base, the rectangle contained by the sides of the triangle is equal to the rectangle contained by the perpendicular and the diameter of the circle described about the triangle.

Properties of Circles.—The locus of the points of intersection of tangents drawn at the extremities of chords of a circle which pass through a fixed point, is a straight line.

If the polar of A passes through B, then the polar of B passes through A.

If P and Q are any two points in the plane of a circle whose centre is O, then OP bears to OQ the same ratio as the perpendicular from P on the polar of Q bears to the perpendicular from Q on the polar of P.

The locus of points from which the tangents to two given co-planar circles are equal is a line perpendicular to the line of centres.

In two circles, if any two parallel radii are drawn (one in each circle), the straight line joining their extremities cuts the line of centres in one or other of two fixed points (called centres of similitude).

If through a centre of similitude S of two circles, a line is drawn cutting the circles, radii to a pair of corresponding points are parallel.

If through a centre of similitude of two circles, a line is drawn cutting the circles, then the rectangle under the distances of one pair of non-corresponding points from S is equal to the rectangle under the distances of the other pair of non-corresponding points from S; and each of these rectangles is constant.

In a cyclic quadrilateral the rectangle contained by the diagonals is equal to the sum of the rectangles contained by the opposite sides.

(ii) *Practical Work.*

Construction of the circumscribed, inscribed and escribed circles of triangles and regular polygons. Construction of triangles and quadrilaterals from given data, and their division in any given ratio. Areas of polygons. Construction of similar figures.

(b) Physics.

Mechanics.—Units of length, mass and time. Position, change of position, rate of change of position, rate of change of speed in a straight line. Force, energy, work and power. The vector parallelogram, simple systems of parallel forces, centre of gravity. Simple machines. The simple pendulum treated experimentally, gravitational acceleration.

Hydrostatics.— Fluid pressure. Principle of Archimedes with simple applications. Determination of specific gravity. Pressure of a gas and its measurement: atmospheric pressure. Boyle's Law. Simple piston pumps.

Heat.—Distinction between quantity of heat and temperature. Measurement of temperature by liquid-in-glass thermometers. Expansion. Specific heat and its determination. Fusion, evaporation, latent heat. Vapour pressure. Conduction, convection and radiation. Heat and work. Description of the steam engine.

Sound.—Production and propagation. Velocity in air. Reflection; echoes. Loudness and pitch of musical notes.

Magnetism.—Magnets and magnet poles. Law of force. Shape of fields due to straight and bent magnets. Magnetism of Earth: the magnetic compass. Simpler magnetic properties of iron and steel.

Electricity.—Simple voltaic cell. Electric current. Chemical effects of current. Magnetic field of current. Galvanometers. Electro-magnets. Heating effect of currents. Electromotive force: resistance and its comparison by simple substitution methods. Electric telegraphs. Electric bells. Electric light. Electric direct current motors.

Light.—Laws of reflection, and refraction with very simple applications. Lenses and mirors. Telescopes and microscopes. Dispersion. Production of a spectrum.

(c) Chemistry.

Objects of study of Chemistry: to ascertain composition of materials; to investigate changes in composition; and from the foregoing to deduce general laws.

Mixtures and compounds: methods of resolving mixtures into their constituents; examples; sand and sugar by solution and filteration; salt and water by evaporation; alcohol and water by distillation; sand and sal ammoniac by sublimation; sulphur and iron magnetically; copper sulphate and water by crystallisation.

Chemical change: combination illustrated by sulphur and iron, sulphur and oxygen, candle and oxygen, quicklime and water. Decomposition illustrated by heating sugar, action of sodium on water, heating mercuric oxide, heating lead nitrate. Replacement illustrated by zinc and sulphuric acid, zinc and copper sulphate. Double decomposition illustrated by common salt and silver nitrate.

Ultimate products of decomposition; elements: Number of elements known. Examples of commonly occurring elements; oxygen, nitrogen, silver, gold, iron, sulphur, carbon.

Combination consists in union of elements with elements, elements with compounds, or compounds with compounds, a new compound being formed in every case. Burning as a special case of combination. Burning of phosphorus, of sulphur, of magnesium, and of a candle. Rusting of iron, oxidation of mercury and of copper. Products of burning or oxidation always heavier than material burnt or oxidised. Water and carbonic acid as products of combustion.

Composition of air as deduced from experiments on combustion. Reasons for regarding air as a mixture. The active and inactive constituents of air.

Oxygen: Discovery. Preparation. Properties. Comparison of combustion in oxygen and air. Character of oxygen compounds as illustrated by oxides of phosphorus, sodium, and mercury. Meaning of acids and bases; their characteristic properties.

Hydrogen: Preparation from sodium and water; from water by electrical decomposition; from acids by the action of metals such as iron and zinc; from caustic alkalies by the action of aluminium or zinc. Properties. Water a compound of hydrogen and oxygen.

Composition of compounds determined: (1) By analysis, (2) by synthesis, illustrated by the case of water. Methods of carrying out these processes. Composition of water by volume and by weight. Guy Lussac's Law of Volumes. Constancy of composition of water. This constancy of composition characteristic of all compounds. Law of definite proportions. Properties of water; solvent action on solids and gases, illustrated by solutions of copper sulphate, sugar, air and carbon dioxide. Nature of rain water, sea water, spring and river water. Purification of water: distillation. Crystals and crystallisation; water of crystallisation. Extraction of salt from sea water.

Nitrogen: preparation from air. Properties.

Nitric acid: preparation from nitre; properties. Formation and nature of salts. Nitrous oxide, nitric oxide, and nitrogen peroxide.

Ammonia: preparation; properties; power of neutralising acids; solubility. Ammonium chloride and ammonium nitrate and their behaviour on heating.

Carbon: Occurrence and different forms. Properties and uses. When burnt forms carbonic dioxide. This gas always formed when carbon compounds are burnt; hence wood, candles, oil, all contain carbon. Preparation and properties of carbon dioxide; action on lime water; product of respiration of animals and plants.

Sulphur: occurrence and different forms; properties; when burnt forms sulphur dioxide.

Sulphuric acid: properties and uses.

Chlorine and hydrochloric acid: preparation of hydrochloric acid from common salt; properties of the gas and of its solution in water. Chlorine from hydrochloric acid and manganese dioxide; combination of chlorine with hydrogen and with sodium to form hydrochloric acid and common salt. Bleaching action.

Phosphorus: different forms; their properties and uses.

Silicon: a constituent of sand. Occurrence of silica free and in combination.

General properties of non-metals and metals.

Sodium and potasium: occurrence and properties. Common salt, sodium carbonate and bicarbonate, caustic soda, potasium nitrate, potasium chlorate, caustic potash.

Calcium: occurrence as carbonate. Production of lime from limestone; properties of lime; mortars. Calcuim sulphate: gypsum and plaster of paris; calcium chloride; bleaching powder.

Occurrence, general method of preparation, properties and uses of zinc, iron, lead, silver, mercury, copper and aluminium. Properties of their more important compounds.

Practical Work.

The practical course will aim chiefly at developing facility in the ordinary methods of manipulation, and as regards subject matter will follow the course given in Smith's "Laboratory Outline of Elementary Chemistry," omitting the portion dealing with ionisation.

(d) Natural Science.

ELEMENTARY BOTANY.

[NOTE.—The work will be chiefly practical, if necessary, with the aid of a simple lens. There will be no detailed reference to Histology except where necessary to understand the elements of plant physiology. The candidate will be required to draw and describe parts of plants.]

1. *External Morphology.*—The root, stem, bud, and bud scales, leaf, flower, fruit and seed; their component parts, chief modifications and their functions treated practically.

2. *Systematic Botany.*—The general principles of classification and the characteristics of the following natural orders viewed from an elementary standpoint:—

Malvaceæ, Leguminasæ, Rubiaceæ, Compositaeæ, Apocynaceæ, Asclepiadaceæ, Labiatæ, Euphorbiaceæ, Palmeæ, Orchidaceæ, Scitamineæ and Gramineæ.

3. *Ecology.*—A brief consideration of the principal modifications of the stems of the desert and water plants and general principles of plant distribution from a geographical and ecological point of view.

4. *Physiology.*—Germination of seed, and the conditions necessary for it; functions of root, leaf, flower and pollination; simple experiments to illustrate the above.

Practical Work.

Laboratory note books of approved form for record of observations will be maintained.

OUTLINES OF HUMAN PHYSIOLOGY.

[NOTE.—The subject will be treated from a practical standpoint and all references to Histological details will be omitted.]

The leading facts concerning the chief tissues of the body; the human skeleton; the principal joints and the action of the muscles; the nature and function of blood; the position and arrangement of viscera in man, circulatory and respiratory organs; food, its nature, digestion and absorption; the principal glands and their functions; waste, its nature and mode of elimination; temperature of the body and its maintenance; the chief functions of the central nervous system, nerves and sensory organs.

ELEMENTS OF ZOOLOGY.

A brief consideration of the external characters of the following animals:—

Earthworm, spider, scorpion, cockroach, beetle, butterfly, caterpillar, fish, frog, lizard, snake, bird, bat, cat, rabbit, cow and horse.

(These animals will be studied in such a way as to bring out the relation which their form bears to their habits and mode of life.)

(e) History.

OUTLINES OF EUROPEAN HISTORY.

(f) Economics.

ELEMENTARY ECONOMICS.

(g) Logic and Scientific Method.

(h) Sanskrit.

(a) *Detailed study of books—both in prose and verse—prescribed from year to year.*

(b) *The Elements of Sanskrit Grammar and Prosody as in Macdonnell's "Sanskrit Grammar for Beginners" or Kale's "Smaller Sanskrit Grammar"; and,*

(c) *Translation of unprepared passages from Sanskrit into English and* vice versa.

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PART III.

Legislative Measures and Rules thereunder.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Public Offices Buildings, Bangalore, on Friday the 28th April 1916, at 12 noon.

PRESENT.

SIR M. VISVESVARAYA, B.A., L.C.E., M.INST.C.E., K.C.I.E., Dewan (Presiding).

Ex officio Members.

1. A. R. BANERJI, ESQ., I.C.S., M.A., C.I.E., First Member of Council.
2. K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L., Second Member of Council.

Additional Members.

Official.

1. RAJAMANTRAPRAVINA DEWAN BAHADUR J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S.
2. DEWAN BAHADUR C. SRIKANTESVARA AIYAR, ESQ., B.A., B.L.
3. P. RAGHAVENDRA RAO, ESQ., B.A., B.L.
4. RAO BAHADUR M. SHAMA RAO, ESQ., M.A.
5. D. M. NARASINGA RAO, ESQ., B.A., B.L.
6. C. S. DORASWAMI IYER, ESQ., B.A., B.L.
7. C. S. BALASUNDARAM IYER, ESQ., B.A.

Non-official.

1. RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, ESQ.
2. M. CHENGIAH CHETTY, ESQ., B.A.
3. H. NARASINGA RAO, ESQ.
4. B. V. RAMASWAMI CHETTY, ESQ., B.A.
5. NAWAB GULAM AHMAD KALAMI, ESQ.
6. M. BASAVA IYA, ESQ., B.A., B.L.
7. B. NARASINGA RAO, ESQ.
8. M. KARNIK KRISHNAMURTHI RAO, ESQ.
9. C. NARASIMHAIYA, ESQ., B.A., B.L.
10. B. K. GARUDACHAR, ESQ.
11. M. VENKATAKRISHNAIYA, ESQ.
12. B. VENKATASHAMANNA, ESQ., B.A., B.L.
13. S. SEETHARAMAIYA, ESQ.

ABSENT.

1. K. S. DORASWAMY IYER, ESQ.

G. SREENIVASA IYER, ESQ., B.A., M.L. (Secretary).

Dewan.—GENTLEMEN, I feel I should refer to the absence of my former colleagues from their wonted places and I know you will share my regret that they are not with us to-day. Mr. Kantaraj Urs is away for rest and change on a foreign tour on six months' leave.

Mr. H. V. Nanjundayya, late Senior Member of Council, has retired after a service of thirty-one years which he rendered with conspicuous ability and for which he has been honoured both by the Imperial Government and His Highness the Maharaja. He served His Highness' Government as a Member of the Executive Council for nearly seven years. He possesses considerable experience as an administrator and he has a profound knowledge of law on account of his varied experience as a Lawyer, Legislator and Chief Judge. In all these capacities, he did work of great value and his service was characterised by a high standard of ability, integrity, patriotism and independence of judgment.

Mr. H. V. Nanjundayya retires from Government service after a distinguished career. With his great talents he has new opportunities of rendering further useful service to the public and we all wish him health, happiness and success in his future career.

I have no doubt you will also join me in according a warm welcome to my new colleagues, Mr. A. R. Banerji and Mr. K. S. Chandrasekhara Aiyar.

Rajasabhabushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—I am sure this Council would wish to associate itself with the sentiments expressed by you with regard to two gentlemen who are not now with us. Mr. Kantaraj Urs, is spending his time to good purpose in Japan and will, we hope, be in our midst again at the end of his foreign tour. We miss his genial presence. In the retirement of Mr. H. V. Nanjundayya, we feel that we are losing an able Member of this Council. He was a Member for nearly seven years, and during that period he piloted many a bill in this Council with ability and prudence. It is a peculiar pleasure to me as an old colleague and friend of his to say a few words of farewell at the time of his retirement. He did his duty in an humble spirit without show or ostentation. Prosperity had not spoiled him. He always remembered the various stages of life through which he passed. He was an ornament to the service. Having obtained the very highest literary and educational qualifications in this Province, his success in official life was assured. If he was distinguished for one thing more than another, it was his independence. When he once

made up his mind about a thing, it was very difficult to move him from the position he took up. His judgment was marked by strong commonsense and singleness of purpose and whatever position he occupied, he always adorned it. He was for a time Chief Judge of the Chief Court and thereafter was raised to the position of a Member of the Executive Council. He was also distinguished for another quality which was an inestimable one, *viz.*, patriotism. He was a lover of his country and its people. Both his public and private life was characterised by simplicity. Whatever he did, he did to the best of his ability. He has now retired in the fulness of time with the good will of the people and high recognition from His Highness the Maharaja and the British Government. It is a pleasure to see that his services will not be lost to the State by his retirement and that he will continue to help us with his ripe experience and knowledge. We earnestly hope that he will give this Council the benefit of his legal knowledge and administrative experience for a long time to come.

I join with you, Sir, in extending a hearty welcome to this Council to our new Members Mr. Banerji and Mr. Chandrasekhara Aiyar, who, I am sure, will be a great acquisition to the service of the State.

Mr. M. Venkatakrishnaiya.—SIR,—I also desire to associate myself with the many good things said of Mr. H. V. Nanjundayya by the last speaker. Mr. H. V. Nanjundayya was an officer of rare ability and wide experience. It is a great pleasure to hear that his services will not be entirely lost to the State by his retirement and that he will continue to render useful service. He was a Member of this Council for several years past and I hope his membership will also be restored soon.

The Secretary's Report to the Council.

The Secretary reported to the Council that :—

(i) the Mysore Lunacy Bill and the Bill further to amend the Mysore Land Revenue Code, 1888, received the assent of His Highness the Maharaja on the 25th day of February 1916, and

(ii) the following gentlemen took their seats as additional members of the Council :—

Mr. B. K. Garudachar,
" M. Venkatakrishnaiya,
" B. Venkatasamanna, B.A., B.L.,
" S. Seetharamaiya,
Rajamantrapravina Dewan Bahadur
Mr. J. S. Chakravarti, M.A., F.R.A.S.,
" P. Raghavendra Rao, B.A., B.L., and
" C. S. Balasundaram Iyer, B.A.

Questions and Answers.

1. **Mr. B. Narasinga Rao, asked.**—(*a*) Has the attention of Government been drawn to an extract from the judgment of the Hon'ble the Chief Court of Mysore, published in the "Daily Post" and "New India" dated 30th October and 3rd November 1915, respectively, to the effect that considering the manner in which the Amildar-Magistrate of Goribidnur has dealt with the law and facts of the case, "it is very doubtful whether he is fit to exercise second class powers or any magisterial powers at all and this is one of those cases which emphasize the need of putting into practice at least so far as the Amildar—Heads-of-Police—Magistrates are concerned * * * * * * * the separation of magisterial and executive functions" ?

(*b*) Will Government be pleased to state the action taken in regard to the conduct of the Amildar-Magistrate and the District Magistrate "who did not scrutinize the evidence with the care it required" ?

(*c*) Will Government be pleased to appoint a Committee consisting of experienced officers and non-official gentlemen to formulate a practical scheme for a complete separation of judicial from executive functions ?

Mr. K. S. Chandrasekhara Aiyar, B.A., B.L., replied.—(*a*) Government have perused the judgment referred to.

(*b*) Government perused the records but considered that no specific action was necessary.

(*c*) The question of the separation of judicial and executive functions is under the consideration of Government, and the suggestion of the member will receive due attention when the matter approaches the stage for action.

Mr. B. Narasinga Rao, further asked.—Since the highest court in the land has doubted the capacity of the Amildar to exercise Magisterial powers, will Government be pleased to state whether it is not possible to divest the Amildar of the Magisterial powers?

Mr. K. S. Chandrasekhara Aiyar, B.A., B.L., replied.—This has been answered in the reply to question I (*b*).

2. Mr. B. Narasinga Rao, asked.—(*a*) Has the attention of Government been drawn to a correspondence published in "Vrittanta Patrika," dated 25th November 1915, containing certain allegations against the Amildar of Sagar?

(*b*) Will Government be pleased to state the action taken in the matter?

Mr. D. M. Narasinga Rao, B.A., B.L., replied.—(*a*) Yes.

(*b*) The matter is under enquiry.

3. Mr. M. Karnick Krishnamurthi Rao asked.—(*a*) Will Government be pleased to lay on the table a statement showing the number of defalcations and the amount embezzled in the several offices located at Bangalore during the years 1914-15 and 1915-16?

(*b*) Are Government aware of the confused state of accounts in the Government Book Depot? Who is the present Curator and what has become of his predecessor?

(*c*) Were the accounts audited by qualified auditors of the Comptroller's office after the confusion was brought to notice?

(*d*) What is the further action contemplated in the matter?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) A statement * showing the required particulars, as far as available, is placed on the table.

(*b*) The matter is receiving attention and is under enquiry. The permanent Curator is under suspension. The Sloyd Supervisor is acting as Curator.

(*c*) & (*d*) An accountant from the Comptroller's office has been deputed to audit the accounts and his report is awaited.

4. Mr. Gulam Ahmad Kalami, asked.—Will Government be pleased to lay on the table a statement showing the amounts allotted in the budgets of the last five years *for the sole benefit and advancement* of Mahomedan education, the actual amounts expended in the respective years under the various heads and the lapses, if any?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—A statement† showing the required particulars is placed on the table.

5. Mr. Gulam Ahmad Kalami, asked.—(i) Will Government be pleased to state—

(*a*) on whose recommendation and on what date and for what objects the establishment of a Model Anglo-Hindustani School at Bangalore was sanctioned;

(*b*) when the school was actually established and what annual expenditure was at first sanctioned for its maintenance; and

(*c*) what allotments have been made annually in the budget and what amounts actually spent for the purpose since the date of starting the school?

(ii) Are Government aware of the great dissatisfaction caused to the Muslim community by the unsatisfactory condition of the School—the only Lower Secondary

* Printed as Appendix A. † Printed as Appendix B.

Anglo-Hindustani School in the State—owing to various causes, such as:—the non-appointment of a permanent and qualified Headmaster for nearly four years and the inefficiency of the staff of the school in general?

(iii) If no qualified Muslim teachers could be had owing to the low scale of salaries sanctioned, will Government be pleased to increase the salary of the Headmaster to Rs. 75—125, the scale sanctioned for the Anglo-Kannada School of the same standard at Bangalore?

(iv) In what building is the school located and is it fit for accommodating such an institution?

(v) On how many occasions was the school inspected and reported upon by the Inspectors of Schools and what have been their reports about the efficiency and usefulness of the school?

(vi) Has the present Inspector-General of Education ever visited the school and, if so, what particular steps has he taken to improve the state of the school?

(vii) Has the community made any representations to Government for efficiently equipping the school and, if so, what arrangements have been made to comply with the request?

(viii) Will all the papers in connection with the establishment and upkeep of the institution be made available to the members of this Council?

(ix) Will Government be pleased to appoint a Special Committee consisting of the Inspector-General as Chairman, the Circle Inspector of the Division as Vice-Chairman and the Inspector of Mahomedan Education as convener of the meetings with the Secretary of the Education Committee of the Economic Conference as additional official member and the Honorary Secretary of the Central Mahomedan Association, Bangalore, and myself as non-official additional members, to make thorough enquiries regarding the present state of the institution and to recommend ways and means for its improvement?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(i) (*a*) The school was sanctioned on the recommendation of the Inspector-General of Education on 30th March 1912, with the object of affording greater facilities to Mahomedan pupils to study English up to the Lower Secondary Standard.

(*b*) It was established on 4th June 1912, the expenditure originally sanctioned being Rs. 2,436 per annum.

(*c*) A statement* showing the information is laid on the table.

(ii) No. Every effort was made to procure a Mahomedan graduate for the post of Headmaster by advertisement in the Gazette and in other ways, but none came forward. So temporary arrangements were made and the question of appointing a qualified Headmaster other than a Mahomedan is under consideration.

(iii) The Anglo-Kannada School is a much larger institution. The question of revising the scale of pay for the Anglo-Mahomedan School will receive consideration.

(iv) The school is held in a Government building in Siddicutta. The building is not well suited for the purpose. Hence a new school house has been included in the building programme for the current official year and a site has been provisionally selected near the Bamboo Bazaar.

(v) The school has been regularly inspected by the Hindustani Inspector every year, who states that the wants are a good building and a graduate Headmaster and that the progress of the school is unsatisfactory.

(vi) The Inspector-General of Education has not seen the school at work. He is taking necessary steps to improve it.

(vii) No representations of the character mentioned have been received by Government. The subject was mooted in the Representative Assembly, 1914.

(viii) & (ix) Government do not consider it necessary to take action as suggested by the member.

* Printed as Appendix C.

6. Mr. C. Narasimhaiya, B.A., B.L., asked.—Will Government be pleased to state—

(*a*) the actual cost incurred on and progress made, in the Minor Tanks Restoration Scheme for the calendar year ending with 31st December 1915;

(*b*) the cost of establishment charges for the same period;

(*c*) similar information in regard to the Mysore and Hassan Districts separately, and

(*d*) the aggregate number and probable cost of new projects in the Mysore and Hassan Districts sanctioned by the Government and Deputy Commissioners?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—

(*a*) Rs. 94,471.

(*b*) Rs. 79,949. The establishment charges include the cost of getting up estimates and other preparations for future years.

(*c*)

District.	Irrigation.	Establishment.
Mysore	2,437	10,837
Hassan	5,895	9,577

A statement* showing the information required is placed on the table.

7. Mr. C. Narasimhaiya, B.A., B.L., asked.—Will Government be pleased to state—

(*a*) Whether they have fixed any scale of remission or suspension of land revenue in any locality for partial or total failure or destruction of crops on account of draught or any other cause;

(*b*) whether Government have allowed any such remission or suspension in any particular locality and in what proportion from the year 1910?

(*c*) If no scale is prescribed, will Government be pleased to fix one?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) No scale has been fixed but the principles and the policy of Government in the matter of granting remissions are laid down in Government Order No. 9792-800—Cir. 214, dated 5th March 1890, Government Order No. 9048-55—Pet. 151, dated 16th April 1897, and Government Order No. R. 1241-2—L. R. 331-06-4, dated 10th August 1907, copies of which will be laid on the table.

(*b*) Government have allowed such remissions and suspensions under the above rules in some cases in the year 1914-15, which was an exceptional year.

(*c*) Government do not consider it expedient to fix any definite scale but prefer to deal with each case on its merits.

8. Mr. B. K. Garudachar, asked.—i. Will Government be pleased to state—

(*a*) the number of Amrut Mahal bulls supplied to the District Boards and other local bodies for improving village cattle,

(*b*) the number of such breeding bulls now in use, and

(*c*) the number of villages they serve?

ii. Do Government consider that the number of bulls supplied is sufficient for the purpose?

iii. If not, will Government be pleased to take steps to provide each hobli in the first instance with at least one Amrut Mahal breeding bull?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—i. (*a*) Sixteen.

(*b*) Twelve were in use on the 30th June 1916.

(*c*) Information is not at present available.

ii. & iii. The matter is under correspondence between Government and District Boards.

9. Mr. B. K. Garudachar, asked.—(*a*) Are Government aware of the inconvenience and loss caused to merchants especially in Bangalore and the consequent

* Printed as Appendix D.

fall in the trade of this year owing to the Railway authorities not having placed a sufficient number of wagons at their disposal?

(*b*) Will Government be pleased to state if they have enquired into the matter and what action they have taken or will take to redress the grievance of the merchants?

Mr. D. M. Narasinga Rao, B.A., B.L., replied.—(*a*) Government are aware of difficulties in this respect, occasioned partly by war conditions.

(*b*) The Madras and Southern Mahratta Railway Company will be addressed in the matter if specific instances of inconvenience resulting from shortage of wagons are brought to notice

10. Mr. B. V. Ramaswami Chetti, B.A., asked.—(*a*) Are Government aware of necessity for granting more largely scholarships and free studentships to boys of backward communities?

(*b*) Will Government be pleased to take steps, as in British India, to ascertain by enquiry what communities are backward in the State?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) Recently some additional facilities have been given and more are under contemplation.

(*b*) The proposal will receive consideration. Government will welcome definite suggestions in the matter.

11. Mr. S. Seetharamaiya, asked.—Will Government be pleased to state—

(*a*) whether any action has been taken on the "*Drainage Scheme of the Shimoga Town,*" prepared several years ago by Mr. K. Krishna Iyengar (now Engineer-in-Chief, Mysore State Railways);

(*b*) if not, whether it is not desirable to give effect to the said scheme in view of the conditions of the Shimoga Town?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) The original drainage scheme was dropped owing to its excessive cost.

(*b*) The scheme since prepared by the Sanitary Engineer is being discussed with the Shimoga Municipal Board.

12. Mr. S. Seetharamaiya, asked.—(*a*) Will Government be pleased to state whether the Taluk Manual referred to by the Dewan in his address to the Representative Assembly in 1914, has been published?

(*b*) If not, when is it likely to be published?

(*c*) Has any staff been appointed for the compilation of the same?

(*d*) If so, when was it sanctioned and what is the expenditure incurred till now?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) The manual is in the press.

(*b*) It is likely to be ready in the course of a month or two.

(*c*) Yes.

(*d*) It was sanctioned in February 1914. An expenditure of Rs. 9,520 has been incurred till the end of March 1916, on account of the special establishment which is also engaged in the preparation of a Village Manual.

13. Mr. M. Venkatakrishnaiya, asked.—Will Government be pleased to state whether the rule governing the recruitment to the grade of Sub-Judges by alternate selection from among the civil servants and Munsiffs is not likely to affect the efficiency of Sub-Judges and whether the alternate selection of Sub-Judges from among the Munsiffs and the members of Bar would not serve the purpose better?

Mr. K. S. Chandrasekhara Aiyar, B.A., B.L., replied.—The existing rules were passed only a few years ago and Government consider that in the absence of further experience of their working no modification on the lines suggested is called for.

14. Mr. M. Venkatakrishnaiya, asked.—Will Government be pleased to state whether it is not desirable to divest the Amildars of their police functions?

Mr. K. S. Chandrasekhara Aiyar, B.A., B.L., replied.—The question is under consideration along with the general question of separating judicial from executive functions.

15. Mr. B. Venkatasamanna, asked.—Will Government be pleased to state—

(*a*) what the approximate cost of maintenance of the University will be;

(*b*) whether any additional tax will be imposed for the purpose;

(*c*) what the nature of that tax will be; and

(*d*) whether the amount so collected will be ear-marked for education?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) The approximate additional expenditure will be about Rs. 1,61,200 per annum, exclusive of the initial cost on buildings and equipment.

(*b*), (*c*) & (*d*) Government do not intend at present to impose any additional tax for the purpose.

16. Mr. B. Venkatasamanna, B.A., B.L., asked.—Will Government be pleased to state—

(*a*) the reasons that contributed to the recent outbreak of fire at the Gold Fields;

(*b*) the number of lives lost; and

(*c*) the compensation intended to be made to the dependents of the unfortunate victims?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) A detailed report from the Director, Department of Mines and Geology, is awaited.

(*b*) Three lives are reported to have been lost.

(*c*) The matter will receive due consideration after the detailed report is received.

17. Mr. H. Narasinga Rao, asked.—(*a*) In Civil and Criminal cases only one appeal is allowed and two in exceptional cases as against a large number of appeals in revenue cases. Will Government be pleased to state the reasons for this distinction?

(*b*) With a view to save public time and labour, will Government be pleased to consider the desirability of duly reducing the number of revenue appeals?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) The powers of appeal are now regulated according to the well-known general principle that an appeal should be from the decision of any officer to his immediate superior authority. This no doubt leads in actual practice to two and even three and four appeals being preferred in particular cases.

All cases, however, are not finally appealable to Government. This is restricted by Section 210 (2) of the Land Revenue Code.

(*b*) Government are aware of the inconvenience the present rules may sometimes cause. The question of amending them so as to restrict the right of appeal in Revenue cases is being considered.

18. Mr. H. Narasinga Rao, asked.—(*a*) Will Government be pleased to state why the rules framed by Government several years ago to regulate the appointments in the subordinate ministerial service are practically ignored in several departments?

(*b*) Is it not desirable to hold a competetive test to secure therefor men of character and ability?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) & (*b*) Government have no reason to believe that the rules are ignored as suggested. The question of amending the rules is engaging attention and the member's suggestion will be noted for consideration.

19. **Mr. H. Narasinga Rao, asked.**—(*a*) Will Government be pleased to state why rules have not yet been framed to regulate the distribution of water from the branches of the main irrigation channels?

(*b*) Are not landowners under such branches put to great inconvenience, annoyance and loss by unequal distribution of water and want of efficient control over the distribution?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) The question of framing rules is receiving attention but is fraught with difficulties owing to varying local conditions.

(*b*) The co-operation of landowners is also largely necessary to render any scheme of control effective.

20. **Mr. M. Chengiah Chetty, B.A., asked.**—(*a*) Considering the large number of Maramat works which have to be executed under the supervision of the Amildars, will Government be pleased to give Revenue Probationers some training in the D. P. W.?

(*b*) At present officials employed in the Secretariat and other departments are appointed as Amildars and Deputy Amildars. Do not Government consider it desirable to prescribe two months' training in a Taluk Office as a necessary qualification for the appointments?

Mr. A. R. Banerji, C.I.E., M.A., I.C.S., replied.—(*a*) Some training is necessary, but the staff is not large enough to arrange for it at present.

(*b*) Government will note the suggestion.

A Bill to amend the Mysore Muzrai Regulation, 1913.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that leave be granted to introduce a Bill to amend the Mysore Muzrai Regulation, 1913.

The object of this measure is briefly as follows:—Section 38 of the Muzrai Regulation circumscribes and defines the jurisdiction of Civil Courts in regard to "matters in which a Muzrai officer or Government has power to pass any order or to take any action," which include cases of disputes about the office of pujari in a Muzrai Institution. There is no similar provision in the Regulation as regards pujari rights in private institutions; but on the strength of the Chief Commissioner's Notification of the 26th October 1854, which prohibited the institution of Civil suits to establish pujari rights, it was held by a Full Bench of the Mysore Chief Court in *Apajia* vs. *Beeragowda*, 18, Mysore Law Reports, 1, that the jurisdiction of the Civil Courts in such matters is excluded even as regards pujari rights in private temples which are not Government institutions and which are not under the management of the Muzrai Department. This decision was apparently overlooked when the Muzrai Regulation was drafted, and as there seems to be no sufficient reason why suits for pujari rights in non-Muzrai institutions should be excluded from the cognizance of the Civil Courts, it is proposed formally to repeal the Chief Commissioner's Notification in question, as in the Bill which it is sought to introduce.

Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

A Bill to amend the Mysore Tramways Regulation.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the Bill to amend the Mysore Tramways Regulation, 1906, be read in Council.

The object of the Bill was explained when leave to introduce it was applied for in January last. Briefly, it is this: It is in contemplation to undertake the construction of an electric tramway in Bangalore by means of Government agency

or an agency employed directly by Government; and in order to do this, it is necessary for Government to reserve to itself the power to authorise such construction by any agency it deems fit, and also,—inasmuch as the provisions of the Tramways Regulation, 1906, have reference chiefly to construction by private agency,—the power to leave out such of those provisions as are unsuitable and to apply the rest with needful alterations. The above object is sought to be obtained by the addition of a new section to the Regulation, as in the Bill that is about to be read.

Rajasabhabushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—The next motion that stands in my name is that the Bill to amend the Mysore Tramways Regulation be not referred to a Select Committee, but that it be taken up and passed at a subsequent meeting of the Council.

On further consideration, I do not think it necessary to proceed with this motion. Though the Bill is in itself a short one consisting of a single clause, it has reference to the whole of the preceding sections of the Regulation, and it seems desirable that the whole of these sections should be scrutinised carefully with a view to see how far any of them are unsuitable to the case of construction by Government agency and what modifications are likely to be required in the others.

The language too of the proposed addition may possibly have to be changed as the result of such scrutiny.

I therefore request your permission, Sir, to withdraw the motion and to move, instead, that the Bill be referred to a Select Committee consisting of Messrs. K. P. Puttanna Chetty, C. S. Balasundaram Iyer, M. Venkatakrishnaiya and myself.

Rajasabhabushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—I may say that I am more in agreement with the amended motion than with the original. Setting aside the prescribed formality is not always a wholesome procedure. There are many things to be done in the Select Committee stage and for this reason I support the amended proposition.

The motion was thereupon put to vote and passed unanimously.

A Bill to amend the law relating to Government and other Provident Funds.

Mr. A. R. Banerji.—SIR,—On the 8th January last, leave was granted by this Council to introduce a Bill to amend the law relating to Government and other Provident Funds. On that occasion, both the learned Mover and Seconder of the motion explained the general scope of the measure; and the seconder, Rajamantrapravina Dewan Bahadur J. S. Chakravarti in very eloquent terms described its necessity.

Without repeating all that has already been said, I may briefly refer to the present scope of the measure which is chiefly intended to benefit the employees of Railways owned by the State or District Boards and also those employed in the headquarter offices on railway duties. The Bill is drafted on the lines of the British Indian Provident Fund Act, IX of 1897, subject to the following variations. The present Bill is much wider in scope than the British Act inasmuch as its provisions are applicable to Provident Funds established for the benefit of employees of local authorities and also of institutions such as Muzrai, aided schools and also of registered companies, whereas the British Act confines itself to funds established by local authority.

Secondly, the British Indian Act extends the authority to pay the assets to the heir or nominee without production of a certificate up to a limit of Rs. 2,000. This limit has been reduced in the present Bill to Rs. 1,000.

There is besides, an additional provision for securing for deposits effective immunity from attachment.

The Bill consists of 6 sections and I need refer to the most important of them, *viz.*, Sections 3, 4 and 6, which specifically deal with the main object of this legislation. Section 3 provides for payment by a simpler method dispensing with certificate up-to a limit of Rs. 1,000. Section 4 gives the necessary protection against attachment; and Section 6 power to extend the provisions to Provident Funds other than Government Provident Funds, *viz.*, those organised by registered companies, District and Municipal Funds, Muzrai institutions and aided schools. The necessity for Provident Funds to benefit the employees of these bodies and institutions cannot be gainsaid. As already explained by the learned Financial Secretary, the system of Provident Funds is a combination of insurance and pension and the larger the number of employees who benefit by the system the better.

I now beg to move that the Bill be read in Council.

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti.—SIR,—The proposal now before the Council is that the Bill relating to Provident Funds be read in Council. I do not think there is any one in this Council who would differ as regards that proposition. The matter is important. In one sense, indeed, the matter is very pressing. When we last met I informed this Council that there were at that time about 1,800 members on the rolls of the Mysore State Provident Fund and that the monthly subscription aggregated about Rs. 5,000. At the present time the membership is about 2,200 and the monthly subscription also has proportionately risen. This is as regards the General Provident Fund for State servants which simply receives subscriptions and repays them with compound interest. Then there are other Provident Funds to which the employees and employers both contribute such as the Provident Fund for our Railway Employees to which the learned mover has referred, that of the Mysore Bank, etc. Some of them have been started, others are about to be started. As subscription to the Railway Provident Fund will be compulsory on certain classes of railway employees, the Railway Provident Fund which will be started from 1st July next will have a considerable number of members from the beginning. I am happy to inform this Council that through the grace of Providence there have been very few casualties in our Provident Funds up to this time. I wish and pray that such good fortune may continue. But from the rapid progress our provident fund schemes have made and are making it is clear that we should be prepared with all facilities for repayment, so that the heirs of subscribers may not be put to any hardship at a time when they are least able to bear any hardship. This Bill should, therefore, become Law as soon as possible. I have, therefore, much pleasure in seconding the proposition, *viz.*, that the Bill be read in Council.

Rajasabhabushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—I have great pleasure in supporting the motion. As I explained at the last meeting of this Council, the Bank of Mysore is about to institute a Provident Fund for its employees, the employees not only of the Offices in Bangalore but also in the out agencies at Mysore, Tiptur, Davangere, Shimoga, etc., where they have a large number of employees. The inclusion of a provision in this bill to apply its benefits to such institutions is not the least of its merits. I have therefore great pleasure in supporting the motion.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I now beg to move that the Bill to amend the law relating to Government and other Provident Funds be referred to a Select Committee consisting of Messrs. J. S. Chakravarti, K. P. Puttanna Chetty, C. S. Balasundaram Iyer, B. K. Garudachar and myself.

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Bill to amend the Tank Panchayet Regulation, 1911.

Mr. A. R. Banerji.—SIR,—The Government in their order dated the 11th December 1914 framed certain rules for the restoration of minor tanks and the maintenance of tanks in general. The question of the revision of the system under which the minor tanks come up for restoration has long engaged the consideration of Government and the rules were the result of that prolonged consideration. Legislative action was contemplated in the rules to give effect to the scheme in full and the learned member in charge, in applying for leave to introduce the Bill, fully explained to this Council the necessity for amendment on the 8th of January last. There are two measures to be read before the Council in this connection, both very short and clear.

The first, the Tank Panchayet amendment Regulation does two things. It re-classifies minor tanks as being those which have an atchkat of Rs. 300 and under, in conformity with the order of 1904. Secondly, it repeals the section in the old Act dividing the share of work to be done by the raiyats and by Government, Section 16 (2); both the earth-work as well as stone and revetment work being entrusted to the Panchayet under the amendment, according to the rules of 1911, (Rule 9) under which raiyats contribute one-third and Government two-thirds of the total cost.

In the previous discussion a question was raised as to whether it is desirable to amend the Act to follow the rules or whether it is necessary to amend the rules and leave the Act alone. Well, Sir, I think a careful consideration of the whole question will settle the doubt at once, and I need only urge that the procedure now proposed is simpler and on the whole more beneficial to the raiyats. Measurement and valuation of different kinds of work for apportionment of cost is not always easy. The simpler method is to fix a certain proportion roughly. The difficulty that may be experienced in the matter of levying contribution fixed and acting on the voice of the two-thirds majority referred to in Section 16, have been met with and satisfied by a new measure.

I now beg to move that this bill called the Tank Panchayet Amendment Bill be read in Council.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I beg to move that the Bill to amend the Tank Panchayet Regulation, 1911, be referred to a Select Committee consisting of Messrs. K. S. Doraswami Iyer, B. K. Garudachar, B. Narasinga Rao, C. S. Doraswami Iyer and myself.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Minor Tank Restoration Bill.

Mr. A. R. Banerji.—SIR,—After what has been said in support of my motion that the Tank Panchayet Regulation Amendment Bill be read in Council, I need not detain the Council with any detailed explanation for the necessity of the measure now before us, namely, the Minor Tank Restoration Bill, except that it has been found necessary in order to give effect to the scheme sanctioned by Government for the restoration of minor tanks, to enact that the consent of the majority will bind the minority and to provide that the contribution of the raiyats may be collected as an arrear of land revenue. As already explained by the learned Member who was in charge of the Bill when, leave was granted by the Council to introduce it, necessary safeguards have been provided for, to see that there is proper record of the views of the majority and that no summary procedure is followed in making that record.

I now beg to move that the Bill be read in Council.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

Rajasabhabhushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—Both the provisions referred to by the mover are very wholesome, namely, making the consent of the majority binding upon the dissenting minority and the recovery of the amount of contribution as an arrear of land revenue. The absence of such a provision has enabled one only dissenting member to wreck the entire project for the restoration of a village tank, even though a hundred had agreed. Several such cases, I am sure, are within the knowledge of the District Officers here present and the necessity for such a bill is very great to the village community. I therefore heartily support it.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I beg to move that the Minor Tanks Restoration Bill be referred to a Select Committee consisting of Messrs. K. S. Doraswami Iyer, B. K. Garudachar, B. Narasinga Rao, C. S. Doraswami Iyer and myself.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Transfer of Property Bill.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the Bill to amend the law relating to the Transfer of Property by act of parties be read in Council.

As mentioned in the statement of objects and reasons published along with the Bill, this measure has been introduced practically at the request of the public, as urged at successive meetings of the Representative Assembly by the members, and on the recommendation of the Judges of the Chief Court made at various times.

The law contained in the Bill is by no means new to the people of Mysore; for, though the Act itself is not in force here, the general principles embodied in it are already being recognised by the Courts of the State; that is to say, they are recognised whenever they can be regarded as the expression of natural principles of justice and equity, as distinguished from the products merely of express legislation or the result of a course of decisions foreign to the spirit of the antecedent law in force here. This circumstance, that our Courts are already in practice disposed to follow most of the rules contained in the Transfer of Property Act, has sometimes been put forward as an objection to its formal introduction as part of the law of the land; but this it seems to me is not a very reasonable attitude. On the contrary, the fact that a certain body of principles is acceptable in itself and is being followed by our Courts in practice, is a powerful reason for our setting about to codify these principles wherever possible for the guidance of the Courts and the public. Again, difficulty is sometimes felt in deciding whether a particular rule is or is not in accordance with natural principles; and, if it can be done, it is much better in such cases for the legislature to step in and define what are the rules to be followed than that it should be left to the Courts to exercise their discretion in varying modes when cases actually arise. Lastly, we have before us the example of the Indian Legislature in the matter; and it will be admitted that our task has been made considerably easy by the fact that we have before us the model of the Act that they have adopted in British India on the subject.

The fact, then, that the Bill about to be introduced is based on the Indian Transfer of Property Act, the provisions of which are more or less familiar to Courts, litigants and business men in Mysore, renders it unnecessary for me now to dilate at any length on its provisions.

Most of the sections in the earlier part of the Bill are either enunciations of equitable principles which are universally applicable to the transfer of property, or are rules called for by the changing conditions and needs of the time.

The later chapters deal with various special modes of transfer; and here one of the most important changes that will be effected by the Bill in the law hitherto

prevailing in the State is that relating to the execution and compulsory registration of instruments of sale, mortgage, etc. Members are aware that the Registration Regulation does not itself require that any transactions should be in writing; all that it provides is that, if there are documents purporting to create a right, title or interest of the value of Rs. 100 or upwards to or in immoveable property, such documents must be registered. In the Bill that is now before us, writing as well as registration is made compulsory in all cases where the price or the principal money secured is Rs. 100 or upwards, and also in cases of the transfer of a reversion or other intangible thing though its value may be less than Rs. 100.

Another material innovation is that contained in the third clause of Section 59, in regard to what is known as equitable mortgages or mortgages by deposit of title deeds. In British India the operation of this provision is confined to the Presidency Towns and to certain other important commercial centres where the practice of raising money on such securities has been long established; and it was apparently not extended to other places as not being in consonance with the policy of the registration law and as leading to the evasion of stamp duty. The desirability of introducing a similar provision here has been urged upon Government by, among other bodies, the Bank of Mysore, on the ground that it will greatly facilitate banking transactions. There is at present a certain amount of doubt as to whether mortgages by deposit of title deeds are or are not valid according to the law of Mysore; on the one hand, there is no express judicial decision or established custom recognising their validity; nor, on the other, is there any statute forbidding the creation of such mortgages. What, therefore, is proposed to be done is to enact positively that, in such areas as may be notified by Government, a mortgage may be created by delivery to the creditor of deeds of title to immoveable property with intent to create a security thereon.

I may also draw the attention of the Council to the omission from the Bill of section 69 of the Indian Act in regard to the exercise of a power of sale by the mortgagee without the intervention of the Court. It has not been considered desirable to introduce this special provision, and the omission is believed to be in accordance with the law in force here.

I need not dwell at further length on the clauses of this Bill. If any particular provision is considered unsuitable, the necessity for the same may be examined by the Select Committee and necessary amendments made.

In conclusion I would add that this Bill, in conjunction with the Contract Act which has been in force in Mysore for over thirty-five years, will afford us what is in effect a complete Code of law in regard to transfers *inter vivos*.

Mr. H. Narasinga Rao.—SIR,—I beg to second the motion.

Mr. S. Seetharamaiya.—SIR,—I beg to support this motion. The need for a Bill of the kind was being felt for the past several years and time has now come for supplying it.

The Bill when it becomes law will no doubt put an end to the confusion and uncertainty prevailing in the existing law and practice in our State regarding transactions connected with immoveables. But it however requires to be carefully considered and modified in certain respects so as to suit the practice and requirements of the country.

For instance there is a transaction called a hypothecation known to us all here. The ingredients of this transaction exactly correspond with the ingredients of a simple mortgage as defined in the Bill.

Though the Limitation Regulation provides 60 years time for a suit on a simple mortgage, the hypothecation suits have been uniformly held by our Courts to have been governed by a twelve years' limitation and this is the law prevailing here and there is no hardship caused to any body by this.

A decree on a hypothecation is treated as a money decree and there is no necessity for a preliminary decree first and then a final decree as in the case of mortgages. This is also quite convenient to all concerned here.

In the interpretation clause (Section 3 of the Bill), a reference is however made to hypothecation and mortgage, apparently indicating a difference between

them, but no where else in the Bill anything is said about hypothecation nor any reference made to it.

As *per* clause 59 of the Bill, even a simple mortgage below Rs. 100 will have to be registered and attested by at least two witnesses.

This would be too much of a technicality and hardship for the poorer and ignorant classes to observe is what one of our honorable members represented when the Bill was introduced.

I hope all these difficulties and inconveniences will be duly considered and suitable provisions made by the Select Committee through whose hands the Bill will have to pass, before it is recommended to become a law.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I now beg to move that the Transfer of Propery Bill be referred to a Select Committee consisting of Messrs. K. P. Puttanna Chetty, C. S. Doraswami Iyer, H. Narasinga Rao, B. Narasinga Rao, S. Seetharamaiya, B. K. Garudachar and myself. It will be seen that, in order that as many interests as possible may be represented, the Committee proposed is a fairly large one.

Mr. H. Narasinga Rao.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Criminal Tribes Bill.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the Bill for the registration, surveillance and control of Criminal Tribes be read in Council.

The necessity for introducing this measure was explained at the last meeting. Legislation for the effective control of Criminal Tribes is being undertaken in British India since 1871, and the law there was revised for the last time in 1911 in accordance with the recommendations of the Police Commission. As an incidental result there is apparently a tendency on the part of criminal tribes to migrate from British India to Native States, where the law is not so rigorous. On this point I cannot do better than quote the following observations of the Police Commission in para 138 of their Report:—"It is essential to the success of any measures for the control of criminal tribes and gangs that they should be extended to Native States, for if they are restricted to British India they may result in forcing these classes to migrate to Native States, where they will with more impunity carry on their criminal operations." As a matter of fact, in the last report on the administration of the Police Department in the Mysore State, the Inspector-General has referred to the large influx of stray criminal gangs into the State from outside on account of the working of the Criminal Tribes Act in the adjoining British Territory and in the Dominions of His Highness the Nizam of Hyderabad. In para 47 of the report he has furnished particulars which show that there are at present as many as 975 permanent gangs in the Mysore State numbering in all over 32,000 individuals, besides 244 wandering gangs numbering nearly 17,000 persons. As the movements of these criminal gangs have increased to an alarming extent in recent years, and as the existing Gang Rules are by no means effective enough to prevent the men escaping and committing crimes, the Inspector-General has strongly urged the introduction of the Criminal Tribes Act into the State as a matter of imperative necessity. The measure now before the Council is based upon that Act, and it allows of the exercise of a much greater degree of control and supervision over the movements of criminal gangs.

I need only dwell on this occasion on the salient points in the Bill. It provides, first, for the notification of a tribe, gang, or class of persons as a criminal tribe, and then for the registration of its members, and for taking their finger impressions. Sufficient provision is also made for registering only a part of a tribe. It is believed that in the case of the more settled tribes this measure of registration alone will be sufficient. Where registration is insufficient, recourse may be had to one of two courses, either to the restriction of the movements of the tribe within certain specified areas, (which is an exceedingly strong deterrent), or, in the last re-

sort and if absolutely necessary for the protection of life and property, to the settlement of the tribe in a fixed place of residence. Power is taken in these respects, as well as the usual power to frame rules to carry out the purposes and objects of the Bill.

The Bill, it will be seen, will be useful not only as providing a more effective mode of control over the members of criminal tribes, but also as tending ultimately to their reformation by putting a wholesome check on their wanderings. If their movements are confined to places where the demand for labour is keen, they are likely to settle down to honest employment, and thus turn out in course of time to be useful members of society.

Questions as to reformatory settlements and schools may be considered after the Bill passes into law.

The provisions relating to penalties do not call for special remark, except that an enhanced punishment is prescribed for certain offences committed after previous conviction, and that a duty of furnishing information as to the movements, etc., of criminal gangs is cast upon village headman, village watchman and occupiers of land in certain cases.

With these remarks I beg to move that the Bill be read in Council.

Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—I beg to second the motion.

Mr. C. Narasimhaiya.—SIR,—I desire to make one or two observations.

In Section 27 of this bill it is said that every notification shall be conclusive proof with regard to the nature of the gang; and that even a Court of Justice cannot question whether the gang really belongs to a criminal tribe or not. The nature of the gang should be taken for granted the moment a notification is published. The sources of information to the Government are the police. It is they that give information about the movements of the gang and about the nature of the offences committed by them. Section 3 states, "If the Government has reason to believe that any tribe, gang or class of persons is addicted to systematic commission of non-bailable offences, it may, by notification.....declare that such tribe.....is a criminal tribe....." Is it not clear how these persons can be caught hold of by the Police. Is it sufficient for Government, acting simply on the police report, to say that the gang belongs to a criminal tribe? Even in very worst cases, a criminal is given every facility to establish his innocence. But in the case in question he has no opportunity of showing that he is not a member of the criminal gang addicted to the commission of offences. I think he must be given such an opportunity. At present the Bill is wanting in that particular.

There is yet another point. Even in worst cases an appeal is allowed to higher authorities. But there is no such provision in this Bill. I think it is absolutely necessary that such a provision should be made in favor of persons who may have to appeal.

Mr. M. Karnik Krishnamurthi Rao.—SIR,—As regards the Bill to amend the Law relating to the registration, surveillance and control of criminal tribes in the State, I regret that the statement of objects and reasons is so vague and so meagre in the details essential to enable one to see whether a Bill like this is necessary at all. No figures of statistics are given as to the strength of the criminal tribes of the State, their distribution, and the havoc rendered by them to person and property periodicaly. My fear is that the Bill ultimately places too much power in the hands of the Police (for, after all, it is the Police that take the initiative in all these matters) to harass poor and illiterate people of the lower strata of our complex society. This is well borne out by the working of Section 23 and sub-section (2) of Section 25. The vastness and the density of population of British Districts are far greater than ours, and I see no reason for our copying a Bill for which there is no clear scope in our State. At any rate, I should welcome statistics, approximate at least, bearing upon the points mentioned above. Then the members of the Council and the public will have the necessary data for them to express an opinion upon.

Rajasabhabhushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—I may be permitted to offer a few remarks on one or two points referred to by the previous speakers. It is a well-known fact that those gangs, while camping in one particular place, commit depredations elsewhere. At present the police possess no statutory power to compel these gangs to report their movements to the police station or to give their finger impressions. The police cannot place any effectual check on the movements of these gangs. Suppose there is a gang of 100 people camping here. They are fleet of foot; if they are here today, they are a hundred miles off tomorrow. If it is expected that one police man should watch those people, you know what kind of vigilance it would be. The gang being so elusive, often times, the police man on guard-duty himself becomes an unconscious witness in their favor, when the members thereof have as a matter of fact committed depredations in some distant place. In these circumstances a Bill like this is very necessary to efficiently bring these gangs under control. Here in Bangalore City we had some time ago a gang of Beluchas who can be described as licensed thieves because the police could not effectively deal with them. They were experts in the art of stealing fowls. No fowl in any corner of the city was free from their clutches. Such are the difficulties now experienced in the absence of a measure like the one under consideration.

I also think, Sir, that along with the proposed process of restraint a serious attempt should be made to reclaim these criminal tribes. In parts of British India, such a thing has been done with great success. Here, in Mysore, I believe Mr. L. Krishna Rao drew up a scheme for the reclamation of such people by giving them various concessions. I think some such thing should be done along with a repressive measure of this kind.

There is no doubt that such a Regulation is urgently called for. It is true a great deal of power will be put into the hands of the police. Much, however, depends on the powers of supervision exercised by the higher officers. I have no reason to think that supervision is not at present properly exercised. The good work done by the police in the handling of criminal tribes in the past has been immense. It is through their efforts that the *Lambanies* who were known to be very great depredators as a class have, to day, taken to agriculture and other peaceful avocations. But still the old Adam is strong in them and they break out into crimes of robbery and violence.

As for the wandering gangs, they are a perpetual menace to the country. To bring them under effective control is the greatest task of the police. Policemen are generally baffled in their attempts to catch them. Any piece of legislation calculated to bring these tribes within the four corners of the law would be welcome. I have therefore great pleasure in supporting this motion.

Mr. S. Seetharamaiya.—SIR,—It is true that a legislation of this kind is necessary to control the most deplorable actions of the criminal tribes that now and then rush into this country from the adjoining British territory and commit atrocious acts. But I am of opinion that the ordinary liberty that is the birthright of every human being, should not be denied to these people. Even amongst the worst classes of the criminal gangs, there may be innocent people. A mere declaration in the official Gazette that a certain class of people, belong to a certain criminal tribe (as the provision now stands in the Bill), should not, I think, debar individuals of that class from putting forth their claims to liberty. I am, for making a provision in this Bill, that opportunity should be given them to show that they do not belong to the criminal gang.

Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—There appears to be a slight misapprehension in the minds of some members of this Council with regard to the objects and scope of this measure. It is not intended that every tribe should be notified. Our trouble now is, that we can only watch the movements of the gangs under the Gang Rules but we cannot bring them under effective control so as to prevent them from committing depredations. The proposed measure aims at closer supervision over only perpetual criminals. It is not the casual or ordinary criminals that are sought to be brought under control, but only professional criminals such as the *pamlores* who were caught the other day. There is a

The Mysore Arbitration Bill.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the rules of business be suspended in order to enable me to move that the Arbitration Bill be read in Council. Rule 33 requires fifteen clear days' notice between the date of publication of a Bill and its introduction in Council; but this it has not been possible to arrange for in the present case, and it is necessary that this Bill, which is intimately connected with the Companies Bill, should be taken up simultaneously with it.

I assure the Council that I should not have made the motion if it could possibly have been avoided. The Bill is non-contentions so far as its principles are concerned, and there will be ample opportunity in Select Committee for the considerations of any changes that may be required in regard to its details.

Mr. C. S. Dorasawmi Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the Bill to amend the law relating to Arbitration, which has already been published in the Gazette under the orders of the President, be read in Council.

The Bill is based entirely on the Indian Arbitration Act, 1899, and is called for by the same reason as led to the enactment of the latter measure, namely, the inadequacy of the existing law. The provisions on the subject of arbitration, contained in the Contract and Specific Relief Acts, are of a negative kind, amounting as they do merely to this, that if a person who has contracted to refer to arbitration any dispute that may arise between him and another, refuses to do so, his contract will be a bar to his afterwards bringing a suit in respect of the matter which he originally agreed so to refer. These provisions are also ineffective in practice, for the recusant party has, as a rule, only to remain inactive in order to be beyond the reach of the other party. The provisions contained in the Code of Civil Procedure (namely, Section 89 and the second Schedule), while aiming at what is required, are themselves defective in two respects. Firstly, there is some doubt and difference of opinion as to whether they apply only to disputes which have arisen at the time of the agreement to refer or also to future disputes; and secondly, they require the agreement to refer either to name the particular arbitrator or to leave the Court to appoint one. Instead of merely amending the Code of Civil Procedure, a separate Bill is introduced for the reason that it relates only to arbitration in disputes where no suit is pending; in other words, to arbitration out of Court, and not to references to arbitration in the course of a suit. The introduction of the Companies Bill, which is pending before the Council, necessitates the simultaneous passing of the present Bill, the provisions of which have to be made applicable to arbitrations by Companies. The Bill, being intended primarily for mercantile communities, will not at the outset apply to the whole State, but will be extended to selected areas by notification.

I may mention the following salient points of the Bill. It is provided that a submission to arbitration may cover future as well as existing disputes, and it will not be necessary for the parties to name their arbitrator in the agreement to refer. In a Schedule to the Bill has been inserted a set of conditions which are to be implied in every submission which does not contain provisions to the contrary; but the parties are, of course, free to vary them if they like. A few simple forms have been appended which can be varied as required but which may be of use to non-professional arbitrators.

I beg to move that the Bill be read in Council.

Mr. C. S. Doraswami Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I now beg to move that the Arbitration Bill be referred to a Select Committee consisting of Messrs. P. Raghavendra Rao, M. Chengiah Chetty, C. S. Doraswamy Iyer, H. Narasinga Rao, S. Sitaramaiya, B. K. Garudachar and myself.

similar law in British India. When that law is put into practice in the frontier British territories, these criminals escape into Mysore territory where they are beyond the clutches of the British law. All that we want to do is to take reciprocal action. If we have the same law as they have in British India then these criminals will not come to Mysore territory but would like to remain where they are and submit themselves to the treatment to which they are accustomed. For instance, the other day, we had a gang of *Kabulies* who stole every fowl they could lay their hands on. If we have a law like the one proposed, we can effectively deal with them. We can guard against such people with this law. Now, they can go wherever they want. Individual cases are not included at all because they can be effectively handled. When first of all a gang comes, unless it happens to be a gang of exceptionally bad reputation, we wont propose to bring it under the law. If we have to report them to Government, we have to adduce sufficient reason. Moreover, a legislation of this kind will prevent the frequent migration of the gangs into our territory. Now a gang that is under surveillance suddenly runs away and we have no power to punish it. When the law is passed, if a person who promises to stay in one place runs away afterwards, that is positive proof that he is a suspicious character and he will be booked. The Regulation itself is a Criminal Tribes Regulation and unless the gang comes under professional criminals, it will not come under the Regulation.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—It has also to be observed that Section 19 provides for rules being framed to carry out the objects of the Regulation. This is a measure affecting the security of the State and it is only the members of a community addicted to criminal practices that are proposed to be brought under the Regulation. The Government, which publishes the notification, will be at liberty to withdraw it under Section 19.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I now beg to move that the Bill be referred to a Select Committee consisting of Messrs. K. P. Puttanna Chetty, C. Srikantesvara Aiyar, C. S. Doraswami Iyer, C. S. Balasundaram Iyer, Gulam Ahmad Kalami, C. Narasimhaiya and myself.

Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—I beg to second the motion. The motion was put to vote and passed.

The Mysore Companies Bill.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the Bill to amend the law relating to Trading Companies and other Associations be read in Council.

At the last meeting of the Council, leave was obtained to introduce the Bill, and it has since been published in the Gazette, and I believe a copy has been sent to each member.

The necessity for the introduction of the measure has been briefly explained in the statement of objects and reasons, and also in the speeches made by the learned mover and learned seconder at the last meeting. Under the companies system a great stimulus has been given to commercial undertakings in the West, trade has widely developed, and as a consequence the wealth of the communities concerned has been largely augmented. In India also there are indications of the same tendency, and it is recognised to be the duty of Government to do what it can to promote genuine commercial enterprise. Legislation in respect of companies has both in England and in India proceeded on certain well defined principles. They are, first, the avoidance as far as possible of direct interference by Government in the management and control of companies, and, secondly, the safeguarding of the interests of investors and creditors by providing for a full measure of publicity regarding the promotion and operation of Trading Companies. In the Bill before us, which is based almost entirely on the British Indian Act, VII of 1913, which again closely follows the English Act of 1908, these principles have been closely kept in view.

I shall not take up the time of the Council by going over the various new provisions in the Bill, but shall confine myself to a word or two on a few of the more important ones.

With regard to the appointment of Directors, it is provided that no person shall be appointed or advertised as a director without his written consent; and where a qualification clause is inserted in the articles, he is required to obtain his qualification within two months after his appointment.

Detailed provisions are enacted with regard to the filing of copies of prospectuses issued and with regard to the information to be embodied in every such prospectus, the object being to preserve an authentic record of the terms on which the public have been invited to subscribe for shares or debentures, to compel the disclosure of facts necessary for investors to know, and to secure that the directors accept responsibility for statements made in the prospectus.

Restrictions on the allotment of share capital are imposed with a view to safeguard the interests of applicants for shares; one of them is that the amount fixed as minimum subscription shall have been subscribed, and another, that the sum payable on application shall have been actually paid up.

Under the existing law, as soon as a company is incorporated by registration it can proceed to business; but in order to secure a certain degree of substantiality in a company before it enters into agreements with outsiders or obtains money by borrowing, certain restrictions are now proposed, such as, that shares to an amount not less than the minimum subscription shall have been allotted, and that the directors shall have paid the allotment money due on their shares. The Registrar will, on the filing of a declaration that these conditions have been complied with, issue a certificate that the company is entitled to commence business; and the company can thereupon proceed to undertake business.

The provisions as to auditors are among the most important in the Bill. Under the law as it stands, any one may be appointed as an auditor and there is no qualifying test. This state of things is an undesirable one in the interests of share-holders as well as of the companies themselves. The audit of companies will in future be performed only by professional auditors; and the Bill provides for laying down their qualifications, and also specifies their powers and duties.

The form of balance sheet has been revised, and information of a more definite character has been directed to be furnished. The object is to show an intending investor the general position of the company.

One other important change in the new Bill is the recognition of "private companies" so called, and the conferring on them of certain privileges to which they are not entitled under the existing law.

There are various other more or less important provisions in the Bill, but I cannot dwell on them now. The details of the measure may be discussed in Select Committee. The legislation proposed is on the whole a well-thought-out one, based on sound principles, and as such I beg to move that the Bill be read in Council.

Mr. C. S. Doraswami Iyer.—SIR,—On the last occasion when I seconded the motion, I had given my reasons in support of the general principles involved in the measure. The learned mover has dealt with the Bill exhaustively. At this stage it is unnecessary for me to say more and I content myself with seconding the motion.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—Now that the Bill has been read in Council, I beg to move that it be referred to a Select Committee consisting of Messrs. P. Raghavendra Rao, M. Chengaiya Chetty, C. S. Doraswami Iyer, H. Narasinga Rao, B. Seetaramaiya, B. K. Garudachar and myself.

Mr. C. S. Doraswami Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Mysore Arbitration Bill.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the rules of business be suspended in order to enable me to move that the Arbitration Bill be read in Council. Rule 33 requires fifteen clear days' notice between the date of publication of a Bill and its introduction in Council; but this it has not been possible to arrange for in the present case, and it is necessary that this Bill, which is intimately connected with the Companies Bill, should be taken up simultaneously with it.

I assure the Council that I should not have made the motion if it could possibly have been avoided. The Bill is non-contentions so far as its principles are concerned, and there will be ample opportunity in Select Committee for the considerations of any changes that may be required in regard to its details.

Mr. C. S. Dorasawmi Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to move that the Bill to amend the law relating to Arbitration, which has already been published in the Gazette under the orders of the President, be read in Council.

The Bill is based entirely on the Indian Arbitration Act, 1899, and is called for by the same reason as led to the enactment of the latter measure, namely, the inadequacy of the existing law. The provisions on the subject of arbitration, contained in the Contract and Specific Relief Acts, are of a negative kind, amounting as they do merely to this, that if a person who has contracted to refer to arbitration any dispute that may arise between him and another, refuses to do so, his contract will be a bar to his afterwards bringing a suit in respect of the matter which he originally agreed so to refer. These provisions are also ineffective in practice, for the recusant party has, as a rule, only to remain inactive in order to be beyond the reach of the other party. The provisions contained in the Code of Civil Procedure (namely, Section 89 and the second Schedule), while aiming at what is required, are themselves defective in two respects. Firstly, there is some doubt and difference of opinion as to whether they apply only to disputes which have arisen at the time of the agreement to refer or also to future disputes; and secondly, they require the agreement to refer either to name the particular arbitrator or to leave the Court to appoint one. Instead of merely amending the Code of Civil Procedure, a separate Bill is introduced for the reason that it relates only to arbitration in disputes where no suit is pending, in other words, to arbitration out of Court, and not to references to arbitration in the course of a suit. The introduction of the Companies Bill, which is pending before the Council, necessitates the simultaneous passing of the present Bill, the provisions of which have to be made applicable to arbitrations by Companies. The Bill, being intended primarily for mercantile communities, will not at the outset apply to the whole State, but will be extended to selected areas by notification.

I may mention the following salient points of the Bill. It is provided that a submission to arbitration may cover future as well as existing disputes, and it will not be necessary for the parties to name their arbitrator in the agreement to refer. In a Schedule to the Bill has been inserted a set of conditions which are to be implied in every submission which does not contain provisions to the contrary; but the parties are, of course, free to vary them if they like. A few simple forms have been appended which can be varied as required but which may be of use to non-professional arbitrators.

I beg to move that the Bill be read in Council.

Mr. C. S. Doraswami Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I now beg to move that the Arbitration Bill be referred to a Select Committee consisting of Messrs. P. Raghavendra Rao, M. Chengiah Chetty, C. S. Doraswamy Iyer, H. Narasinga Rao, S. Sitaramaiya, B. K. Garudachar and myself.

Mr. C. S. Doraswamy Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Bill further to amend the Mysore Land Revenue Code, 1888.

Mr. A. R. Banerji.—SIR,—During the last session of this Council, a Bill to amend the Mysore Land Revenue Code, 1888, was read in Council and referred to a Select Committee.

The amendment proposed in the Bill was intended to introduce a modification in Section 54 of the Land Revenue Code, corresponding to Section 56 of the Bombay Act. The bill was first published on the 27th October 1915 and in the Statement of Objects and Reasons, the necessity for this measure was clearly explained. It is stated therein that Section 54 as it now stands would enable claimants to prior rights and equities not only to enter on resumed lands but also to dispute the title of subsequent occupants and that it was therefore necessary both in the interests of the public revenue and to afford protection to subsequent interests in land to amend the section. This interpretation was based on a decision of the Mysore Chief Court. Now the Select Committee recommend the retention of the words "by the occupant or holder or any of his predecessors in title or in anywise subsisting against such occupant or holder" occurring in the present section, in lieu of the words "in favour of any person other than Government in respect of such occupancy or holding," on the ground that the former will be wider than the terms of the latter. It has already been explained before this Council that there is one point in which the amendment differs from the Bombay Act, Section 56, *viz.*, that when the land is restored to the defaulter concerned, it will not be free from all encumbrances. The reason for this is obvious, because defaulters cannot be allowed to gain by their own wrongs.

In this connection I may be permitted to refer to one or two observations made during the discussion of the same subject in the Bombay Legislative Council. Some of the non-official members observed that it was not fair that a defaulter should benefit by his own fault and be put in a better position than he was originally. One of the Hon'ble Members said "Instances have already occurred in which the raiyat, with the object of defeating an encumbrance, has made default in paying assessment, and has thus courted a forfeiture in the hope of getting rid of the encumbrance. It could not be the intention of Government to put such a premium on fraud." Another non-official member said "If the mortgagor by non-payment of his rent could get the property forfeited and obtain it himself free of the mortgage, he is much benefited in making a breach of his contractual duty to his mortgagee and omitting to pay the assessment." Lastly when the Hon'ble Member in charge of the bill met all the objections brought forward against the bill proposed that "unless the Collector otherwise directs" be added to Section 15 between the words "shall" and "be deemed to be freed." He said "the object of this amendment is to add a further safeguard against fraud on the part of an occupant against his mortgagee. We have already sought to prevent such a result, and to any person who is interested in the land full opportunity of maintaining that interest is given by providing that notice of forfeiture shall be given. But it is just possible that in some cases though a person may have an interest in the land he has through some oversight not taken steps to maintain it; and if this comes to the notice of the Collector we wish him to have power to direct that in such a case rights shall not be extinguished by the forfeiture."

In the present Bill we go slightly beyond the Bombay Act in enacting that when the land is restored to the defaulter he shall not be benefited by the extinguishment of prior rights which otherwise automatically follows.

With these words I beg to move that the report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888, together with the Bill as amended by them be considered in Council.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I now beg to move that the Bill as amended be taken up and passed at a subsequent meeting of the Council.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Bill to amend the Mysore Land Acquisition Regulation, 1894.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—I beg to present the report of the Select Committee appointed to consider the Bill to amend the Mysore Land Acquisition Regulation, 1894; and to move that their report together with the Bill as amended by them be taken into consideration at once. In this connection I would suggest a small verbal alteration, namely that "and" be substituted for "or" in the clause as proposed to be amended.

Mr. C. S. Doraswamy Iyer.—SIR,—I beg to second the motion.

Mr. M. Karnick Krishnamurti Rao.—SIR,—As regards the amendment proposed by the Select Committee in sub-section (*c*) of Section III of the Regulation I am of opinion that considering the gravity and seriousness involved in the acquisition of land by Government from private parties, and considering also that unlike as in the past, sub-divisions now a days are much smaller in extent than before and Amildars and Probationary Assistant Commissioners are often posted to the charge of such Revenue Sub-Divisions, the Select Committee would do well to continue the *status que* and not allow any subordinate officer to do the duties. Such practice is not in existence anywhere in India and so I see no reason for such a change. Most of the cases involve controversial issues, with which the superior tact, the wider experience and the higher status of the head of a district, can be better expected to cope than the training and status of a subordinate officer. In expressing opinion like this I have the interest of both the Government and the public at heart: the former will gain by lessened litigation, and the latter by greater trustfulness in the equity of the proceedings undertaken.

Mr. C. S. Doraswamy Iyer.—SIR,—With reference to the remarks of the last speaker, I may be permitted to mention that this aspect of the question was also considered by the Select Committee. In fact, the Select Committee thought that powers which were intended to be exercised by the Deputy Commissioner ought not to be lightly entrusted to subordinate officers; and I was one of those who said that the Bill might perhaps be dropped. But the late First Member Mr. H. V. Nanjundayya explained that it was intended to take this power not for the purpose of relieving altogether the powers and responsibilities vested in the Deputy Commissioners but to meet emergencies and avoid delays. He cited cases of the acquisition of lands of about less than quarter of an acre in extent involving a sum of Rs. 15 or 20 and added that the time of the Deputy Commissioner ought not to be wasted in acquisition of this petty kind. He also said that the interests of the owners of such lands were quite safe in the hands of the Revenue Sub-Division officers, who would be guided by suitable rules framed under the Regulation.

For these reasons, the Select Committee thought that the amendment might be accepted with a view to enable Government to deal with unimportant cases through the Revenue Sub-Division Officers instead of the Deputy Commissioners.

Mr. S. Sitaramaiya.—Sir,—A general provision like this may be availed of in all cases. When there is no restriction allowed in the Code itself, it is likely that in all cases Assistant Commissioners would be asked to take orders under the Regulation. It would therefore be desirable that some restriction should be placed. In the law as it stands, the Government may empower any officer to take orders under the Regulation. So, there is no necessity for this amendment at all. If any necessity is found for particular cases, I would suggest that only a restrictive clause may be added to the effect that in particular cases Assistant Commissioners may take orders for the acquisition.

Mr. K. S. Chandrasekhara Aiyar.—Sir,—With reference to the objection brought forward, I would say that even under the Regulation as it stands it is

open to Government to appoint specially any officer it likes to perform the functions of a Deputy Commissioner. That power is even now exercised. In several instances, Assistant Commissioners have been appointed specially, and I understand that in the Madras Presidency also Tahsildars are frequently empowered to take action under the Land Acquisition Act. So, it is a mistake to think that Government is precluded from appointing any officer other than a Deputy Commissioner. Government also have power to regulate the relative position of a Deputy Commissioner and subordinate officers in the matter of their duties under this Regulation. Hence, I do not think there is much force in the objection that we are making a new change in the law. As mentioned in the statement of objects and reasons, instead of issuing a notification in every case, we merely provide for the empowering of Assistant Commissioners to take action under the Regulation.

Mr. H. Narasinga Rao.—Sir,—Under the Regulation as it stands, an Assistant Commissioner can take power only under the authority of the Deputy Commissioner. So, there can be no hardship even with this amendment.

The motion was put to vote and passed seventeen voting for and three against the motion.

Mr. K. S. Chandrasekhara Aiyar.—Sir,—I now propose that the Bill as amended be taken up and passed at a subsequent meeting.

Mr. C. S. Doraswamy Iyer.—Sir,—I beg to second the motion.

The motion was put to vote and passed.

A Bill further to amend the Mysore Stamp Regulation, 1900.

Mr. K. S. Chandrasekhara Aiyar.—Sir,—The Bill further to amend the Mysore Stamp Regulation, 1900, was taken into consideration by the Legislative Council in January 1916. The object of the Bill, it will be remembered, is to raise the duty leviable in Mysore on bills of exchange and promissory notes to the scale prescribed in British India; and this, I take it, has been approved by the Legislative Council. It only remains now to formally pass the Bill into law, and I accordingly beg to move that it be passed.

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti.—Sir,—When I rise to second the motion which has just been proposed by the learned mover some members of this Council may have a shrewed suspicion that it is after all a money-bringing measure. They may think that when the Financial Secretary is taking so much interest about the affair it must be a devise for filling treasury with extra cash. I can at once allay that suspicion and honestly assure the Hon'ble Members that in this case at least it is not so. Then what is the object of the Bill? The object as has been fully explained on previous occasions is simply to make the rate of Stamp duty on bills of Exchange, hundis, etc., the same in Mysore as they are in British India. But why should these rates, some members may ask, be the same here as in British India? The reason is that there is a great deal of commercial intercourse between the Mysore State and British India. It is also desirable that such intercourse should be facilitated as far as possible. Thousands of bills drawn elsewhere pass into Mysore every week and thousands drawn in Mysore pass elsewhere. To have different rates of stamp duty on bills in Mysore and British India is, therefore, confusing and may lead to mistakes. Unification in such circumstances is simplification. Our present rates are the same as those which prevailed in British India prior to 1910. In that year the Government of India raised the duty on bills of higher values. Out of consideration for the small traders they left the duty on lower values unchanged. But what happened?, bills of higher values began to be split up into a number of smaller ones. Instead of one Bill for 20,000 it was cheaper in stamp duty to have 100 bills for Rs. 200 each. This led to such unnecessary waste of time on the part of bankers and the system became intolerable. The Government of India were therefore, forced to proportionately raise the duty on bills of smaller values also in 1912.

What the Government of India did by two Acts in 1910 and 1912 we are doing now with the present Bill. I think no one can blame us for undue hurry in the matter. The Council has in the past treated this as a non-contentious measure. They did not appoint any select committee over it. It has now come up before the Council for its final passing. I think it deserves it and I hope that no member of the Council will have any doubt about it. I have, therefore, much pleasure in seconding the motion which has been placed before the Council by the learned mover.

The motion was put to vote and passed.

The meeting was then adjourned *Sine die.*

By Order,

G. SREENIVASA IYER,

Secretary, Mysore Legislative Council.

APPENDIX A.

(*Question No. 3 (a)*)

Statement showing the number of defalcations and amount embezzled in the several offices located at Bangalore during the years 1914-15 and 1915-16.

Name of office	No.	Amount
		Rs. a. p.
Bangalore Forest Range Office ...	1	12,783 0 8
Bangalore City Municipality	21	290 13 4 (To be accounted for and under investigation.)
Government Medical Stores (drugs lost) ...	1	1,350 0 0 (Recovered)
Government Central Book Depot ...	...	3,540 13 0
Imperial Service Regiment	1	1,724 2 7
Bangalore District Office	1	255 0 0

APPENDIX B.

(*Question No. 4.*)

Statement showing the amounts allotted and spent towards the education of Mahomedans :—

Year	Budget allotment for Government Schools	Amount expended on Government Schools	Amount expended on Aided Schools
1911-12 ...	Separate figures are not available, being included under A.-V. and Vernacular Schools	Rs. 67,230	Rs. 4,680
1912-13 ...	Rs. 74,821	,, 70,507	,, 4,644
1913-14 ...	,, 75,823	,, 71,724	,, 4,944
1914-15 ...	,, 78,949	,, 75,219	,, 7,692
1915-16 ...	,, 88,645	Year not yet closed	Year not yet closed

APPENDIX C.

(*Question 5 (c)*).

The following is the annual budget allotment provided for the school during the years 1912-13 to 1914-15 :—

Teaching staff	Rs. 147 per month.
Menial staff	„ 21 do
House rent	„ 30 do
Contingency	„ 5 do
Total ...	Rs. 203 per month or „ 2,436 per annum.

The amounts noted below have been spent during these years, excluding the house rent of Rs. 360 per annum, as no suitable building could be procured :—

1912-13	Rs. 2,175
1913-14	„ 2,213
1914-15	„ 2,184

In the current official year, a new scale of pay has been given effect to as noted below :—

	Former scale	Present scale
1 Headmaster	Rs. 40	Rs. 50—4—70
1 Assistant Master	„ 25	„ 20—1—25
1 Do	„ 25	„ 20—1—25
1 Do	„ 20	„ 20—1—25
1 Do	„ 15	„ 20—1—25
1 Do	„ 12	„ 12—1—15
1 Do	„ 10	„ 12—1—15

APPENDIX D.

(*Question No. 6.*)

(*d*) Statement showing the number and probable cost of new projects in the Mysore and Hassan Districts sanctioned under the Minor Tanks Restoration Scheme during the calendar year 1915.

District	Projects sanctioned by Government		Projects sanctioned by Revenue Commissioner		Projects sanctioned by Deputy Commissioner		Total projects sanctioned	
	Number	Probable cost	Number	Probable cost	Number	Probable cost	Number	Probable cost
Mysore ...	...	...	...	...	9	6,654	9	6,654
Hassan ...	...	...	1	2,047	22	10,774	23	12,821

REGULATION No. IV OF 1916.

A Regulation further to amend the Mysore Stamp Regulation, 1900.

(Received the assent of His Highness the Maharaja on the 30th day of June 1916.)

Whereas it is expedient further to amend the Mysore Stamp Regulation, 1900; His Highness the Maharaja is pleased to enact as follows:—

Amendment of clause (*b*) of Article 12 of Schedule I of the Regulation.

In Article No. 12 of Schedule I of the Mysore Stamp Regulation, 1900, for clause (*b*) the following shall be substituted, namely:—

		If drawn singly	If drawn in set of two, for each part of the set	If drawn in set of three, for each part of the set
		Rs. a. p.	Rs. a. p.	Rs. a. p.
(*b*) Where payable otherwise than on demand, but not more than one year after date or sight—	Rs.			
if the amount of the bill or note does not exceed ...	200	0 3 0	0 2 0	0 1 0
if it exceeds Rs. 200 and does not exceed	400	0 6 0	0 3 0	0 2 0
Do 400 do	600	0 9 0	0 5 0	0 3 0
Do 600 do	800	0 12 0	0 6 0	0 4 0
Do 800 do	1,000	0 15 0	0 8 0	0 5 0
Do 1,000 do ...	1,200	1 2 0	0 9 0	0 6 0
Do 1,200 do	1,600	1 8 0	0 12 0	0 8 0
Do 1,600 do	2,500	3 4 0	1 2 0	0 12 0
Do 2,500 do	5,000	4 8 0	2 4 0	1 8 0
Do 5,000 do	7,500	6 12 0	3 6 0	2 4 0
Do 7,500 do	10,000	9 0 0	4 8 0	3 0 0
Do 10,000 do	15,000	13 8 0	6 12 0	4 8 0
Do 15,000 do	20,000	18 0 0	9 0 0	6 0 0
Do 20,000 do	25,000	22 8 0	11 4 0	7 8 0
Do 25,000 do	30,000	27 0 0	13 8 0	9 0 0
and for every additional Rs. 10,000 or part thereof in excess of 30,000 ..		9 0 0	4 8 0	3 0 0

M. VISVESVARAYA,
Dewan.

Registered No. M—1175.

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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 62—L. C., dated 10th July 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Mysore University Bill together with the Bill as amended by them is published for general information.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Mysore University Bill.

We, the members of the Select Committee appointed to consider the Mysore University Bill, have the honor to submit the following report to the Council.

We have considered the Bill carefully and have made the following amendments.

New Clause 3.—We consider that it is necessary to add a definition section.

Clause [3] *4.*—As Schedule I has not been placed before us, we consider that it is necessary to provide for the names of the persons who may be appointed by Government as the first Vice-Chancellor, and members of the Senate and of the Council being notified by Government and have therefore substituted the words "who shall be specified in this behalf by Government by a Notification in the official Gazette as" for the words "mentioned in the Schedule I, being."

Clause [6] *7.*—We consider that the Chancellor should be the highest controlling authority of the University, and have accordingly expressly provided for the same, and omitted the words "and shall by virtue of his office . . . . . and other public functions of the University" in sub-clause (1) of this clause as being

superfluous. We have also added a proviso to sub-clause (2) of the clause on the lines of the proviso to sub-section (2) of section 6 of the Benares Hindu University Act, 1915.

New Clause 8.—We have added a new clause enumerating the several authorities and officers of the University.

Clause [7] *9.*—The provision regarding the term of membership of the Senate has to find a place in the Regulation itself and not in the Ordinances, and a slight change is accordingly made in this clause. The clause relating to the election by the Senate as framed in the Bill was vague, and following the principles prevailing in the British Indian Universities we have specifically fixed the number to be elected by the Senate and the Registered Graduates at six each. We are all of opinion that the University Professors should be *ex-officio* members of the Senate and have accordingly put them in a separate sub-clause. We also consider that the members following the profession of Education should take a prominent part in the work of the University and have accordingly made the necessary verbal changes.

Clause [8] *10.*—The Inspector-General of Education should be an *ex-officio* member of the Council also and we have therefore made the necessary amendments both in this clause as well as in clause [7] 9 (4) (*a*). Under Section 15 (1) (*b*) of the Indian Universities Act, 1904, the Director of Public Instruction is always a member of the Syndicate and we do not see any justification for departing from this principle.

Although it is necessary to vest the executive control of the University in the Council, we are of opinion that the staff of the constituent Colleges, etc., should be considered Government employees, for purposes of patronage, discipline and privileges,—subject to such rules as the Government may frame in this behalf as to the exercise and delegation, if any, of such authority. We have therefore made the necessary changes in clause 22 and added a proviso to clause 10.

Clause [10] *12.*—We are of opinion that the power of general supervision and control over the constituent colleges should vest in the Council and that the Vice-Chancellor should have only such powers and duties as the Senate or Council may assign to him. Necessary alterations have therefore been made in this clause as well as in Clause [8] 10.

Clauses [12] *14 and* [13] *15.*—The conferment of honorary degrees and the cancellation of degrees are exceptional powers which should be very carefully exercised. We are of opinion that the recommendation in each case should be supported by a very large majority of the Council and the number so required should be definitely fixed even though the actual strength of the Council may vary from 9 to 12. We have therefore substituted the word "eight" for the words "three-fourths of the other" in clause [12] 14 and added the words "and at a meeting of the Council not less than eight members of" before the words "the Council may propose to the Senate."

Clause [14] *16.*—It is considered necessary to vest in the University the property attached to the constituent colleges. We have added the words "and all properties, movable or immovable, attached to such constituent colleges shall vest in the University" at the end of the clause.

Clause [17] *18.*—Two separate statutory meetings of the Council are considered unnecessary and we think that the budget estimates for the ensuing year should be finally passed by the *Senate* before submission to Government.

We have also omitted the second sentence of sub-clause [2] and the whole of sub-clause [3] of the clause as being unnecessary.

Old Clause 19.—Submission to Government of copies of proceedings of the Council and of the Senate are matters properly to be provided for in the Ordinances and we have therefore omitted this clause in the Regulation.

Clause 20.—The clause as originally framed was considered as not quite suitable and the language used in Allahabad University Act and the Punjab University Act has accordingly been adopted for the last clause.

Clause 21 (3).—We are of opinion that the Ordinances and detailed provisions regarding courses of study, rules of business, etc. should ordinarily be framed by the University and that those framed under Schedule II of the Bill are of far too

technical and detailed a character to admit of being embodied in a legislative measure. This view is supported by other University Acts. As, however, it may be necessary for Government to frame Ordinances embodying the general scheme of the University as approved by Government to enable the University to start work on a legal basis as soon as this Bill is passed into law, we have provided that they should be framed and published by Government in the official Gazette.

The other alterations are merely verbal.

The Bill as amended by us may be published in the Gazette.

A. R. BANERJI.
K. P. PUTTANNA CHETTY.
M. SHAMA RAO.
M. VENKATAKRISHNAIYA.
C. S. BALASUNDARAM IYER.
D. M. NARASINGA RAO.
B. V. RAMASWAMY CHETTY.
B. NARASINGA RAO.

I sign the report of the Select Committee subject to the following note :—

It was decided by the majority of the members of the Select Committee that the Ordinances which had been appended to the Bill should not form part of the Regulation and the consideration thereof must be left to an expert body like the Senate. Further, sub-clause 3 of clause 21 of the Bill was modified by inserting therein that the First Ordinances of the University shall be those that would be notified by Government in the *Mysore Gazette*. Under these circumstances the Select Committee deprived itself of the opportunity of discussing some of the important matters such as, second language, compartmental examinations, etc. Since the Ordinances were not discussed and passed by the Select Committee they will not be appended to the Bill as approved by the Select Committee and the members of the Council will be at a disadvantage in not being able to move amendments to the various clauses which formed part of the Ordinances. I take it, that the Government will issue as the First Ordinances of the University, what is contained in the schedule of the draft Bill. Before Government are pleased to notify in the Gazette, the First Ordinances of the University, I feel it my duty to place my views before the Government and the members of the Council relating to matters which have a vital concern to the public at large and also to the student population.

By looking into the Ordinances of the University which had been appended to the bill, as introduced into the Legislative Council, relating to second languages, Kannada, Telugu, Tamil, Sanskrit, Hindustani, Persian and French are mentioned and the student is given the option of selecting any one of them. A change has thus been ushered in clearly and directly in opposition to the spirit which prevailed when the draft scheme was published some 3 months ago. I am not aware of the circumstances which forced such a change of spirit in the mind of the Government. Any recommendation which the University Committee may have made has not been made available to the public nor even to the members of the Legislative Council. But I could to some extent realize the causes and difficulties at work and I can always assure myself that such a momentous change would not have been introduced by the framers of the draft Bill, in the absence of what they seriously considered very strong reasons, as indicated in the answer given by the Government in reply to my interpellation on the subject at the meeting of the Council on 29th of last month. I am not still without hopes to convince the Government and the members of the Council through this note about the readiness with which an important concession has been made for sectional wishes and aspirations ignoring one of the most precious principles of modern University education. It is easy to please a few but the price thereof cannot very well be ignored.

A University, more so, a modern University, I take it to stand for certain well recognized and dearly cherished principles of education and nationality. It must also take into account the political, geographical and linguistic limitations of the country for which it proposes to work. Viewed in the light of the above considerations, the Mysore University should primarily confine itself to the territories of His Highness the Maharaja and its aim must be to promote the language and literature, art and civilization which have formed the distinguishing features of the Royal House of Mysore and of the country, for centuries past. History and observation as well as facts and figures of even the present day point to but one language as having marked out the Mysore country and the Mysore people from among the vast tracts and various races of South India in all matters of importance and that language is Kannada. It is in Kannada that the best of its literature and other arts of the country found expression and it is in Kannada that the best of her sons have been nurtured and brought up from ages past. As it has been a fact all these years, it is so at the present, and it will be so again in the future that, Kannada is the language of the millions in Mysore, the natural inheritors of its soil, civilization and culture; and any attempt to supplant the national language

or to weaken its hold on the popular mind would not commend itself to the people at large. Gratuitous critics whose sole qualification is the ignorance of the Kannada language, may say, that it is not rich in diction or thought. An honest and close examination of facts more than establishes the contrary.

Mass education, scientific advancement, improved agriculture, industrial avocations, general sanitation, these and many other items of our patriotic and political propaganda—if all of them are not to remain mere high sounding names but to become realities not for the fortunate few but for the unfortunate many and if the *alumni* of the University in their many walks of life are to take any real interest in such national work and do substantial service for the country, it is of the first importance that Kannada the language of the country, should be the compulsory language of the University which has to work for the country's good. A good knowledge of Kannada is essential to make a good Government officer or a suitable recruit for the learned professions or commercial and industrial pursuits. It is therefore necessary for the *alumni* of the Mysore University to have a sound knowledge of Kannada if they are to take any part in the advancement of the country. They would otherwise remain strangers in their own land cut off from the mass of the people for want of any intelligent sympathy and helping to widen the gap already wide enough between the educated few and the illiterate many.

It is a significant fact as regards settlers in Mysore whose mother tongue is not Kannada, that their particular language is spoken only within the domestic circle. Kannada is the language employed by them on public occasions, in their intercourse with the generality of the people and in their correspondence. The language of the country has asserted its preponderence over all other languages and has even lent a strong leaven to them. Looking at the census figures, Kannada is the language of more than 75 per cent of the population and if there be minorities speaking Telugu and Tamil languages they are negligible in a comparative view and they are confined to small portions of only two districts out of 8. But Kannada is everywhere the language of the Courts and of the official documents, reports and other publications.

The establishment of a Tamil University in the south and of the Andhra University in the north of the Madras Presidency, though still in a stage of incubation, and may take some time before the idea materializes itself, is a sufficient indication of the spirit of the times and the trend of modern thought and popular aspirations. A common language is admittedly a potential factor in the unification of the people and it creates a bond of mutual understanding leading to mutual sympathy and co-operation. So the prayer for making Kannada a compulsory second language proceeds from no mere sentiment but is deep rooted in the hearts of the people of Mysore.

I admit the force of contention that making Kannada universally compulsory at the start entails much hardship upon students who have entered upon their collegiate course with a vernacular other than Kannada. The statistics of students thus affected might be taken and such suitable provision may be made and such suitable period allowed for the provision to remain in force as will meet the necessities of such students.

The most important grievance of our student population is that the system of compartmental examinations, does not find a place in our University Scheme. This appears to me to be a grievance deserving redress. The draft Ordinances which had been appended to the Bill have empowered the Council to exempt students submitting themselves to examination in divisions in which they may have obtained not less than 60 per cent of the marks provided they appeared for the other division or divisions within 2 years. Sixty per cent of the marks is rather too high. A little higher percentage than is ordinarily fixed may be insisted upon, if the Government thinks it necessary. Under ordinary circumstances to secure a pass, it is considered sufficient if a student obtains 35 per cent of the marks in each of the divisions. I humbly suggest that to secure a pass in any one of the divisions a slight increase of percentage, say 40 per cent, may be considered more than enough.

9-7-1916. B. NARASINGA RAO.

I fully endorse the observations made and suggestions given by Mr. B. Narasinga Rao. While doing so I hold that if Tamil, Telugu, Sanskrit, Urdu, etc., are made to alternate with Kannada, translation from English into Kannada and *vice versa* together with Kannada Composition be made compulsory.

I think it absolutely necessary that students who fail in their Intermediate Examination should be admitted to the first year's College Course.

Those who have completed the Intermediate Course should be permitted to appear for the First Year's College Examination, if any, without any further attendance at the College. This rule should be made applicable to students who complete the Second and Third Years' College Course.

Examination by compartments should be held as in Madras.

The Draft Ordinances should be published and should become the first Ordinances of the University after considering public opinion in the matter.

M. VENKATAKRISHNAYYA.

A BILL TO ESTABLISH AND INCORPORATE A UNIVERSITY IN MYSORE.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Preamble.

WHEREAS it is expedient for the better encouragement and organisation of education to establish and incorporate a University in Mysore; His Highness the Maharaja of Mysore is pleased to enact as follows:—

Short Title.

1. This Regulation may be called "The Mysore University Regulation, 1916."

Commencement.

2. It shall come into force at once.

Definitions.

3. *In this Regulation unless there is anything repugnant in the subject or context,—*

(*a*) *"Council" means the University Council;*

(*b*) *"Dean" means the Chairman of a Faculty of the University;*

(*c*) *"Faculty" means a Faculty of the University;*

(*d*) *"Ordinances" means the Ordinances of the University for the time being in force;*

(*e*) *"Senate" means the Senate of the University;*

(*f*) *"University" means the University of Mysore; and*

(*g*) *"University Professors" means the University Professors appointed as such by the Government.*

The University.

Incorporation.

[3] *4.* (1) The persons [mentioned in the Schedule I being] *who shall be specified in this behalf by a notification of the Government published in the official Gazette as* the first Vice-Chancellor and members of [the Council and of] the Senate *and of the Council*, and all persons who may hereafter become, or be appointed as Vice-Chancellor and members of [the Council and] the Senate *and the Council*, [as the case may be,] so long as they continue to hold such office[s] or membership, are hereby constituted a body corporate by the name of the University of Mysore.

(2) The University shall have perpetual succession and a common seal, and shall sue, and be sued, by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes, among others, of making provision for imparting education, literary, artistic and scientific, as well as agricultural, technical, commercial and professional, of furthering original research, of promoting the study of literature, art, philosophy, history, *medicine*, science and other branches of useful knowledge, and of imparting physical and moral training.

Power to grant degrees, etc.

[4] *5.* The University shall have power—

(*a*) to provide for instruction in such branches of learning as the University may decide and also for research, and for the advancement and dissemination of knowledge,

(*b*) to grant and confer degrees and other academic distinctions to and on persons who shall have pursued a prescribed course of study in the University and shall have passed the examinations held by the University,

(*c*) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(*d*) to confer honorary degrees or other distinctions,

(*e*) to withdraw *or cancel* degrees, diplomas, certificates or other distinctions granted or conferred, and

(*f*) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

Power to hold and dispose of property.

[5] *6.* The University shall be able and capable in law to take, purchase, and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property, movable or immovable, belonging to the University; and also to do all other acts incidental or appertaining to a body corporate.

The Chancellor.

Chancellor.

[6] *7.* (1) His Highness the Maharaja of Mysore shall be the Chancellor *and the highest controlling authority* of the University. [and shall by virtue of his office have full control over the affairs of the University and shall take such part as may seem fit to him in presiding over convocations and other public functions of the University.]

(2) The Chancellor may at any time direct an inspection of the University [its] *institutions, including* buildings, laboratories and other appurtenances, generally, *and* for the purpose of seeing that the proceedings of the University are in conformity with the Regulation and the Ordinances.

(*3*) *The Chancellor* may, by order [communicated] in writing, annul any proceeding which is not, in his opinion, in conformity with the Regulation or the Ordinances:

Provided that before making any such order, he may call upon the University to show cause why such an order should not be made, and if any cause is shewn within a reasonable time, may consider the same.

[3] (*4*) The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor.

Authorities and Officers.

Authorities and Officers.

8. The authorities and officers of the University shall include:—

1. *The Vice Chancellor,*
2. *The Council,*
3. *The Senate,*
4. *The Faculties and their Deans,*
5. *The Registrar, and*
6. *Such other authorities and officers as may be provided for by the Ordinances.*

The Senate.

Senate.

[7] *9.* (1) The Senate shall, subject to this Regulation and the Ordinances, have the entire charge of the organisation of instruction in the University and the constituent colleges, the curriculum and the examination and discipline of students, and the conferment of *ordinary and honorary* degrees.

(2) The Senate shall consist of such number of members not less than forty and not more than sixty as may be fixed from time to time by the Chancellor. Such members shall be styled Fellows *and shall hold office for a term of two years.*

(3) The members of the Senate [named in Schedule I] *specified in the notification published under Section 4 (1)* shall hold office for a term of one year

from the passing of this Regulation unless they vacate sooner by resignation or other cause. Any casual vacancy among such members shall be filled up by Government and a member appointed to fill such vacancy shall be a member for the residue of the said term of one year.

(4) After the lapse of the said term of one year, the Senate shall be composed of—

(*a*) [the Vice-Chancellor and] the [other] members of the Council mentioned in Section 10 [8, the Inspector-General of Education in Mysore,]

(*b*) the University Professors,

(*c*) [ten] *six* members elected by the Senate, [or] *six* by Registered Graduates, and six members by the Faculties, in accordance with the Ordinances framed for the purpose, and

(*d*) the remaining members [to be] nominated by the Chancellor;

Provided that the election and nomination of persons as Fellows shall be so regulated as to secure in the Senate a majority of persons [connected with] *following the profession of* education.

(5) The election of members shall be subject to the approval of the Chancellor.

(6) The Chancellor may, on the representation of the Senate, cancel the appointment of any person as a Fellow of the University, and as soon as such order is notified in the *official* Gazette, the said person shall cease to be a Fellow.

The Council.

Council.

[8] *10.* (1) The Executive Government of the University *including the general superintendence and control over the constituent Colleges* shall be vested in the University Council: [which shall consist of not less than nine and not more than twelve members. Of whom not less than four shall be University Professors:] *Provided that the Government may by rules framed in this behalf from time to time reserve to themselves such powers relating to the appointment, punishment, removal, and leave of the officers mentioned in Section 22, as they may deem fit.*

(2) The Council shall consist of *not less than nine and not more than twelve members and shall comprise*—

(i) The Vice-Chancellor,
(ii) *The Inspector-General of Education in Mysore,*
[ii] (iii) The Principals of the constituent Colleges,
[iii] (iv) The Deans of the Faculties of Arts and Science, and
[iv] (v) The remaining members [to be] appointed by the Chancellor.

Provided that the Government may at any time direct that all or any of those who are not members *ex-officio* may be elected by the Senate from among its Fellows.

The Faculties.

Faculties.

[9] *11.* The University shall include the Faculties of Arts and Science and such other Faculties as may from time to time be constituted by the Ordinances.

The Vice-Chancellor.

Vice-Chancellor.

[10] *12.* (1) The Vice-Chancellor shall be appointed by, and shall hold office during the pleasure of, the Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be *ex-officio* Chairman of [the Council and] the Senate *and the Council.* He shall be the principal executive and academic officer of the [University Council and] the Senate *and the Council* and shall, in the absence of the Chancellor and Pro-Chancellor, preside over the Convocation and confer Degrees, *and shall perform such functions and exercise such powers as the Senate and the*

Council may authorise him in this behalf. [The Vice-Chancellor shall have such powers of superintendence and control over the constituent Colleges as may be defined in the Ordinances.]

Degrees.

Degrees.

[11] *13.* The Senate may institute and confer such degrees, and grant such diplomas, licenses, [titles and marks of honour in respect of degrees] *certificates and other distinctions in respect of courses of study* and examinations as may be prescribed by the Ordinances.

Honorary degrees.

[12] *14.* Where [the Vice-Chancellor and] *at a meeting of the Council* not less than [three-fourths of the other] *eight* members [of the Council] recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Senate [may] *shall* confer [on such person] the honorary degree *on such person* [so recommended.]

Cancellation of degrees and the like.

[13] *15.* Where evidence is laid before the Council showing that any person on whom a degree, diploma, license, [title or mark of honour] *certificate or other distinction* has been conferred or granted by the Senate has been convicted of what [is] in [their] *the* opinion *of the Council is* a serious offence, *involving moral delinquency* and *where at a meeting of the Council not less than eight members* [the Council may propose] *recommend* to the Senate that the degree, diploma, license, [title or mark of honour] *certificate or other distinction* be cancelled, and [if] *where* the [proposal] *recommendation* is accepted by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, [title or mark of honour] *certificate or other distinction* shall be cancelled accordingly.

The Constituent Colleges.

Constituent Colleges.

[14] *16.* The Central College, Bangalore, and the Maharaja's College, Mysore, and such other colleges and institutions in Mysore or Bangalore as may be [handed over] *transferred* to the University to be managed as its constituent parts shall be deemed to be constituent Colleges of the University *and all properties, movable or immovable, attached to such constituent Colleges shall vest in the University.*

Finance and Control.

University Fund.

[15] *17.* All grants made [in] *by* the Government [Budget of each year,] *from time to time,* and all sums paid *or endowments made* [into the Treasury] by private persons or local authorities, for the purposes of the University, together with all fees [and donations] received, and rents, profits and other income derived from the property and funds vested in the University, shall form a fund styled the University Fund, which shall be at the disposal of the University to be employed for any of the purposes mentioned in this Regulation or in the Ordinances.

Privileges, etc., of University employees.

[16] [Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors and other officers and servants now employed in the constituent Colleges of the University, and all such as may be employed hereafter for carrying on the work of the University, shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be entitled to the privileges and subject to the restrictions and obligations laid down in the Mysore Service Regulations.]

Budget.

[17] *18.* (1) The Council shall have prepared and laid before [them] *the Senate* at a meeting to be held not later than the month of [March] *April* every year, [complete] accounts of receipts and expenditure of the University for the *previous* year *ending the 30th*

June [preceding, and at a subsequent meeting, which shall be held in this behalf on such day as may be fixed by the Ordinances, a complete account of the actual and expected receipts and expenditure for the current year] together with [a budget] *an* estimate of the income and expenditure of the University for the year to commence *on the 1st July*.

(2) The budget as passed *by the Senate* shall be submitted to Government, and it shall be competent to Government to sanction the budget with such modifications, if any, as they deem fit. [The budget so sanctioned may, subject to the sanction of Government, be varied or altered from time to time as circumstances may render desirable, at a special meeting of the Council called for the purpose.]

[(3) No expenditure shall be incurred unless provided for in a budget so sanctioned, varied or altered.]

[18] *19.* (1) The accounts of the University shall *be audited* [once] at least *once* in every year and at intervals of not more than fifteen months [be audited] by such agency as may be prescribed by the Ordinances, or if the Government so direct, by auditors appointed by Government.

Audit.

(2) The auditors shall, for the purposes of their office, have access to all the accounts and other records of the University.

(3) The accounts, when audited, shall be published together with the auditor's report, in such form as may be prescribed by Government, and a copy thereof shall be submitted to Government.

[Submission of proceedings to Government.]

[19. The Council shall submit to Government without delay copies of their proceedings and orders and of the proceedings of the Senate.]

20. If at any time Government are of opinion that in any matter the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Regulation and the Ordinances framed thereunder or that special measures are desirable to maintain the standard of University teaching or examinations, they may indicate to the Council any matter in regard to which they desire explanation, and call upon that body to offer such explanation as they desire to offer within such time as may be prescribed.

[Emergency] *Special* powers of Government.

If the Council fail to offer any explanation within the time prescribed, or offer any explanation which in the opinion of Government is unsatisfactory, Government may issue such instructions as appear to them to be necessary and desirable in the circumstances of the case [and the Council shall give effect to such instructions] *and may exercise such powers as may be necessary for giving effect to those instructions.*

Ordinances.

21. (1) Subject to the provisions of this Regulation, the Senate may, from time to time, make any Ordinances required for carrying out all or any of the purposes of this Regulation.

Ordinances.

(2) Such Ordinances may provide for any or all of the following, among other matters, namely :—

(*a*) the constitution, powers and duties of [the Council,] the Senate, *the Council*, the Faculties and all such other bodies as it may be deemed necessary to constitute from time to time;

(*b*) the nomination, election and continuance in office of the members of the said bodies, and the filling of vacancies among members and all other matters relative to those bodies which it may be necessary or desirable to provide;

(*c*) the number and designation of officers of the University, their powers and duties, and the terms for which they shall hold office;

(*d*) the payment of fees to the University in relation to the enjoyment of privileges therefrom;

(*e*) the degrees, diplomas, licenses, certificates and other academic distinctions to be awarded by the University, the qualifications for the same,

and the means to be taken relating to the granting and obtaining of the same;

(*f*) the withdrawal *or cancellation* of degrees, diplomas, licenses, certificates and other academic distinctions;

(*g*) the tenure of office, the terms and manner of appointment, and the duties of examiners and examining Boards;

(*h*) the discipline to be enforced in regard to graduates and under-graduates;

(*i*) the membership of the University, the duties and privileges of members and removal from membership;

(*j*) the admission of students to the University and its examinations; and

(*k*) all such other subjects as are required or authorised by the Regulation to be prescribed by means of Ordinances.

(3) The First Ordinances shall be those [set out in *the* Schedule II] *framed by Government and published in the official Gazette.*

(4) The Senate *may*, from time to time, [may] make new or additional Ordinances *or amend* or repeal the Ordinances in force.

(5) The Council shall have power to draft [or] *and* propose to the Senate Ordinances to be made by the Senate and it shall be the duty of the Senate duly to consider the same.

(6) All new Ordinances and additions to the Ordinances, and all amendments and repeals of the Ordinances shall, before they come into effect, require the previous approval of the Government, which may sanction, disallow or remit the same for further consideration.

Miscellaneous.

22. Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors, and other officers and servants now employed in the constituent colleges of the University, and all such as may be employed hereafter for carrying on the work of the University, shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be [entitled to the privileges and subject to the restrictions and obligations laid down in the Mysore Service Regulation] *governed by the rules framed by the Government and in force for the time being.*

Subsidiary Rules.

[22] *23.* The [Council, the] Senate *and the Council* and other bodies that may be constituted under the Regulation and the Ordinances may make such subsidiary rules, not inconsistent with this Regulation and the Ordinances in force, as may be required to regulate the conduct of the business entrusted to them severally.

Acts during vacancies.

[23] *24.* No act or proceeding of the [University] *Senate, the Council or other bodies constituted under the Regulation or the Ordinances* shall be deemed to be invalid merely by reason of any vacancy in [any class of the Fellows or members of the Senate or Council] *the body doing or passing it* or by reason of the total number of Fellows or of members [of] *following* the profession of education being less than the minimum prescribed by this Regulation, at the time any such act or proceeding is done or [had] *passed.*

No. 37—L. C., dated 10th July 1916.

The adjourned meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Monday the 17th July 1916 at 12 noon.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Registered No. M—1175. 278

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BANGALORE, THURSDAY, JULY 20, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 1—L. C., dated 1st July 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Bill to amend the Tank Panchayet Regulation, 1911, is published for general information together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Tank Panchayet Regulation, 1911.

We, the Members of the Select Committee appointed to consider the Bill to amend the Tank Panchayet Regulation, 1911, have the honour to submit the following report to the Council:—

We have carefully considered the Bill and have made the following amendments therein:—

Clause 2.—The definition of the word "raiyats" in the Regulation is very wide and includes even tenants and others who do not hold any wet lands under the

tank. As it is desirable to limit the sphere of the raiyats entitled to give consent to the raiyats holding wet lands under the tank, we have added the following words after the word "raiyats" in clause 2, *viz.*, "and holding in the aggregate not less than half the occupied area of the wet lands under the tank."

The other alterations made are merely verbal.

The Bill as amended by us may be published in the *Mysore Gazette.*

A. R. BANERJI.
K. S. DORASWAMI IYER.
C. S. DORASWAMI IYER.
B. NARASINGA RAO.
B. K. GARUDACHAR.

A Bill to amend the Tank Panchayet Regulation, 1911.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to amend the Tank Panchayet Regulation, 1911; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Sub-section (2) of Section 2.

1. In Sub-section (2) of Section 2 of the Regulation, for the words "not less than Rs. 300 *and shall also include,*" the words "more than Rs. 300 *and includes*" shall be substituted.

Amendment of paragraphs (1) and (2) of Section 16.

2. For Section 16, paragraphs (1) and (2) the following section shall be substituted:—

"16 (1) with the approval of a majority of not less than two-thirds of the raiyats, *and holding in the aggregate not less than half the occupied area of wet lands under the tank*, a Tank Panchayet may undertake the construction, restoration, or improvement as the case may be, of a minor tank under the rules [in force on that] *framed by Government in this* behalf.

3. For the figure "(3)" in Sub-section (3) of Section 16, the figure "(2)" shall be substituted.

No. 2—L. C., dated 1st July 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Minor Tank Restoration Bill is published for general information, together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Minor Tank Restoration Bill.

We, the members of the Select Committee appointed to consider the Minor Tank Restoration Bill, have the honour to submit the following report to the Council together with the Bill as amended by us.

We have carefully considered the Bill and have made the following amendments therein:—

Preamble.—As the scheme sanctioned by the Government in 1914, relates only to restoration and improvement of tanks and not to the construction of a new tank,

it is desirable to limit the scope of the Bill to restoration and improvement of tanks only, and we have therefore slightly amended the preamble and clause 3.

Clauses 4 and 5.—As it is desirable that the orders of the Deputy Commissioner should be made final we have substituted the following new clause for clause 5 renumbering it as clause 4, the present clause 4 being renumbered as clause 5:—

Appeal.

"4. At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the expiry of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected, the Deputy Commissioner shall make an order confirming the agreement and his order shall be final."

The other alterations made are merely verbal.

The Bill as amended by us may be published in the *Mysore Gazette.*

A. R. BANERJI.
K. S. DORASWAMI IYER.
C. S. DORASWAMI IYER.
B. NARASINGA RAO.
B. K. GARUDACHAR.

The Minor Tank Restoration Bill.

(*As amended by the Select Committee.*)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to facilitate the working of the Schemes for the [construction and] restoration *and improvement* of minor tanks; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Minor Tank Restoration Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Minor tank.

2. Every tank which falls within the definition of a minor tank contained in Section 2 of the Tank Panchayet Regulation, I of 1911, shall be a minor tank within the purview of this Regulation.

Agreement of holders of two-thirds area to be binding on the others.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank [or of lands likely to be irrigated by a minor tank proposed to be constructed] agree to pay a share of the cost of restoration or [construction] *improvement* according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such [consent] *agreement* has been recorded before a Revenue Officer not lower in rank than a Deputy Amildar. [and notice thereof has been personally served on the occupants of lands whose consent has been withheld.]

Appeal.

4. At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the

expiration of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected the Deputy Commissioner shall make an order confirming the agreement and his order shall be final.

Recovery of dues.

[4]. 5. Any amount due under this agreement shall be leviable as [if it were] *an* arrear [s] of land revenue.

Appeal.

[5. Within thirty days of the service of the notice under Section 3, it shall be open to a person on whom such notice has been served to appeal to the Deputy Commissioner, who shall thereupon after such enquiry as may be necessary, pass an order either confirming the notice with or without modification, or withdrawing it. The Revenue Commissioner may, on a petition by the party aggrieved, revise such order if it is manifestly illegal or inequitable; but otherwise, the Deputy Commissioner's order shall be final.]

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BANGALORE, THURSDAY, JULY 27, 1916.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. V OF 1916.

(Received the assent of His Highness the Maharaja on the 22nd day of July 1916.)

A REGULATION TO ESTABLISH AND INCORPORATE A UNIVERSITY IN MYSORE.

Preamble.

WHEREAS it is expedient for the better encouragement and organisation of education to establish and incorporate a University in Mysore; His Highness the Maharaja of Mysore is pleased to enact as follows:—

Short Title.

1. This Regulation may be called "The Mysore University Regulation, 1916."

Commencement.

2. It shall come into force at once.

Definitions.

3. In this Regulation unless there is anything repugnant in the subject or context,—

(*a*) "Council" means the University Council;

(*b*) "Dean" means the Chairman of a Faculty of the University;

(*c*) "Faculty" means a Faculty of the University;

(*d*) "Ordinances" means the Ordinances of the University for the time being in force;

(*e*) "Senate" means the Senate of the University;

(*f*) "University" means the University of Mysore; and

(*g*) "University Professors" means the University Professors appointed as such by the Government.

The University.

Incorporation.

4. (1) The persons who shall be specified in this behalf by a notification of the Government published in the official Gazette as the first Vice-Chancellor and members of the Senate and of the Council, and all persons who may hereafter become, or be appointed as Vice-Chancellor and members of the Senate and the Council, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the University of Mysore.

(2) The University shall have perpetual succession and a common seal, and shall sue, and be sued, by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes, among others, of making provision for imparting education, literary, artistic and scientific, as well as agricultural, technical, commercial and professional, of furthering original research; of promoting the study of literature, art, philosophy, history, medicine, science and other branches of useful knowledge, and of imparting physical and moral training.

Power to grant degrees, etc.

5. The University shall have power—

(*a*) to provide for instruction in such branches of learning as the University may decide and also for research, and for the advancement and dissemination of knowledge,

(*b*) to grant and confer degrees and other academic distinctions to and on persons who shall have pursued a prescribed course of study in the University and shall have passed the examinations held by the University,

(*c*) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(*d*) to confer honorary degrees or other distinctions,

(*e*) to withdraw or cancel degrees, diplomas, certificates or other distinctions granted or conferred, and

(*f*) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

Power to hold and dispose of property.

6. The University shall be able and capable in law to take, purchase, and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property, movable or immovable, belonging to the University; and also to do all other acts incidental or appertaining to a body corporate.

The Chancellor.

Chancellor.

7. (1) His Highness the Maharaja of Mysore shall be the Chancellor and the highest controlling authority of the University.

(2) The Chancellor may at any time direct an inspection of the University institutions, including buildings, laboratories and other appurtenances, generally, and for the purpose of seeing that the proceedings of the University are in conformity with the Regulation and the Ordinances.

(3) The Chancellor may, by order in writing, annul any proceeding which is not, in his opinion, in conformity with the Regulation or the Ordinances:

Provided that before making any such order, he may call upon the University to show cause why such an order should not be made, and if any cause is shewn within a reasonable time, may consider the same.

(4) The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor.

Authorities and Officers.

Authorities and Officers.

8. The authorities and officers of the University shall include :—

1. The Vice-Chancellor,
2. The Council,
3. The Senate,
4. The Faculties and their Deans,
5. The Registrar, and
6. Such other authorities and officers as may be provided for by the Ordinances.

The Senate.

Senate.

9. (1) The Senate shall, subject to this Regulation and the Ordinances, have the entire charge of the organisation of instruction in the University and the constituent colleges, the curriculum and the examination and discipline of students, and the conferment of ordinary and honorary degrees.

(2) The Senate shall consist of such number of members not less than forty and not more than sixty as may be fixed from time to time by the Chancellor. Such members shall be styled Fellows and shall hold office for a term of two years.

(3) The members of the Senate specified in the notification published under Section 4 (1) shall hold office for a term of one year from the passing of this Regulation unless they vacate sooner by resignation or other cause. Any casual vacancy among such members shall be filled up by Government and a member appointed to fill such vacancy shall be a member for the residue of the said term of one year.

(4) After the lapse of the said term of one year, the Senate shall be composed of—

(*a*) the Vice-Chancellor and the other members of the Council mentioned in Section 10,

(*b*) the University Professors,

(*c*) six members elected by the Senate, six by Registered Graduates, and six members by the Faculties, in accordance with the Ordinances framed for the purpose, and

(*d*) the remaining members nominated by the Chancellor;

Provided that the election and nomination of persons as Fellows shall be so regulated as to secure in the Senate a majority of persons connected with or following the profession of education.

(5) The election of members shall be subject to the approval of the Chancellor.

(6) The Chancellor may, on the representation of the Senate, cancel the appointment of any person as a Fellow of the University, and as soon as such order is notified in the official Gazette, the said person shall cease to be a Fellow.

The Council.

Council.

10. (1) The executive government of the University including the general superintendence and control over the constituent Colleges shall be vested in the Council: Provided that the Government may by rules framed in this behalf from time to time reserve to themselves such powers relating to the appointment, punishment, removal, and leave of the officers mentioned in Section 22, as they may deem fit.

(2) The Council shall consist of not less than nine and not more than twelve members and shall comprise—

(i) The Vice-Chancellor,
(ii) The Inspector-General of Education in Mysore,

(iii) The Principals of the constituent Colleges,
(iv) The Deans of the Faculties of Arts and Science, and
(v) The remaining members appointed by the Chancellor.

Provided that the Government may at any time direct that all or any of those who are not members *ex-officio* may be elected by the Senate from among its Fellows.

The Faculties.

Faculties.

11. The University shall include the Faculties of Arts and Science and such other Faculties as may from time to time be constituted by the Ordinances.

The Vice-Chancellor.

Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by, and shall hold office during the pleasure of, the Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be *ex-officio* Chairman of the Senate and the Council. He shall be the principal executive and academic officer of the Senate and the Council and shall, in the absence of the Chancellor and Pro-Chancellor, preside over the Convocation and confer Degrees, and shall perform such functions and exercise such powers as may be defined in the Ordinances.

Degrees.

Degrees.

13. The Senate may institute and confer such degrees, and grant such diplomas, licenses, certificates and other distinctions in respect of courses of study and examinations as may be prescribed by the Ordinances.

Honorary degrees.

14. Where at a meeting of a Council not less than eight members recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Senate shall confer the honorary degree on such person.

Cancellation of degrees and the like.

15. Where evidence is laid before the Council showing that any person on whom a degree, diploma, license, certificate or other distinction has been conferred or granted by the Senate has been convicted of what in the opinion of the Council is a serious offence, involving moral delinquency and where at a meeting of the Council not less than eight members recommend to the Senate that the degree, diploma, license, certificate or other destinction be cancelled, and where the recommendation is accepted by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, certificate or other distinction shall be cancelled accordingly.

The Constituent Colleges.

Constituent Colleges.

16. The Central College, Bangalore, and the Maharaja's College, Mysore, and such other colleges and institutions in Mysore or Bangalore as may be transferred to the University to be managed as its constituent parts shall be deemed to be constituent Colleges of the University and all properties, movable or immovable, attached to such constituent Colleges shall vest in the University.

Finance and Control.

University Fund.

17. All grants made by the Government from time to time, and all sums paid or endowments made by private persons or local authorities, for the purposes of the University, together with

all fees received, and rents, profits and other income derived from the property and funds vested in the University, shall form a fund styled the University Fund, which shall be at the disposal of the University to be employed for any of the purposes mentioned in this Regulation or in the Ordinances.

Budget.

18. (1) The Council shall have prepared and laid before the Senate at a meeting to be held not later than the month of April every year, accounts of receipts and expenditure of the University for the previous year ending the 30th June together with an estimate of the income and expenditure of the University for the year to commence on the 1st July.

(2) The budget after consideration by the Senate shall be submitted to Government, and it shall be competent to Government to sanction the budget with such modifications, if any, as they deem fit.

Audit.

19. (1) The accounts of the University shall be audited at least once in every year and at intervals of not more than fifteen months by such agency as may be prescribed by the Ordinances, or if the Government so direct, by auditors appointed by Government.

(2) The auditors shall, for the purposes of their office, have access to all the accounts and other records of the University.

(3) The accounts, when audited, shall be published together with the auditor's report, in such form as may be prescribed by Government, and a copy thereof shall be submitted to Government.

Special powers of Government.

20. If at any time Government are of opinion that in any matter the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Regulation and the Ordinances framed thereunder or that special measures are desirable to maintain the standard of University teaching or examinations, they may indicate to the Council any matter in regard to which they desire explanation, and call upon that body to offer such explanation as they desire to offer within such time as may be prescribed.

If the Council fail to offer any explanation within the time prescribed, or offer any explanation which in the opinion of Government is unsatisfactory, Government may issue such instructions as appear to them to be necessary and desirable in the circumstances of the case and may exercise such powers as may be necessary for giving effect to those instructions.

Ordinances.

Ordinances.

21. (1) Subject to the provisions of this Regulation, the Senate may, from time to time, make any Ordinances required for carrying out all or any of the purposes of this Regulation.

(2) Such Ordinances may provide for any or all of the following, among other matters, namely :—

(*a*) the constitution, powers and duties of the Senate, the Council, the Faculties and all such other bodies as it may be deemed necessary to constitute from time to time;

(*b*) the nomination, election and continuance in office of the members of the said bodies, and the filling of vacancies among members and all other matters relative to those bodies which it may be necessary or desirable to provide;

(*c*) the number and designation of officers of the University, their powers and duties, and the terms for which they shall hold office;

(*d*) the payment of fees to the University in relation to the enjoyment of privileges therefrom;

(*e*) the degrees, diplomas, licenses, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining of the same;

(*f*) the withdrawal or cancellation of degrees, diplomas, licenses, certificates and other academic distinctions;

(*g*) the tenure of office, the terms and manner of appointment, and the duties of examiners and examining Boards;

(*h*) the discipline to be enforced in regard to graduates and under-graduates;

(*i*) the membership of the University, the duties and privileges of members and removal from membership;

(*j*) the admission of students to the University and its examinations; and

(*k*) all such other subjects as are required or authorised by the Regulation to be prescribed by means of Ordinances.

(3) The First Ordinances shall be those framed by Government and published in the official Gazette.

(4) The Senate may, from time to time, make new or additional Ordinances or amend or repeal the Ordinances in force.

(5) The Council shall have power to draft and propose to the Senate Ordinances to be made by the Senate and it shall be the duty of the Senate duly to consider the same.

(6) All new Ordinances and additions to the Ordinances, and all amendments and repeals of the Ordinances shall, before they come into effect, require the previous approval of the Government, who may sanction, disallow or remit the same for further consideration.

Miscellaneous.

Privileges, etc., of University employees.

22. Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors, and other officers and servants now employed in the constituent Colleges of the University, and all such as may be employed hereafter for carrying on the work of the University, shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be governed by the rules framed by the Government and in force for the time being in respect of such officers.

Subsidiary Rules.

23. The Senate and the Council and other bodies that may be constituted under the Regulation and the Ordinances may make such subsidiary rules, not inconsistent with this Regulation and the Ordinances in force, as may be required to regulate the conduct of the business entrusted to them severally.

Acts during vacancies.

24. No act or proceeding of the Senate, the Council or other bodies constituted under the Regulation or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it or by reason of the total number of Fellows or of members connected with or following the profession of education being less than the minimum prescribed by this Regulation, at the time any such act or proceeding is done or passed.

M. VISVESVARAYA,
Dewan.

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NOTIFICATION.

No. 800—EDN. 12-16-12, DATED 25TH JULY 1916.

In exercise of the powers conferred by Section 21 (3) of the Mysore University Regulation, 1916, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following as the First Ordinances of the University of Mysore :—

FIRST ORDINANCES OF THE UNIVERSITY.

THE SENATE.

1. Every Fellow elected and nominated under the Ordinances shall be eligible for re-election or re-nomination at the close of the term of office.

2. All casual vacancies among elected members shall be filled up by the body which elected the member whose place has become vacant.

3. The Senate may, for gross misbehaviour unfitting a member in its opinion for his office, and after hearing such member or any other member nominated by him on his behalf, request that his appointment be cancelled under Section 9 (6) of the Regulation.

4. Subject to the Regulation and any Ordinances made in pursuance thereof, the Senate shall, in addition to all other powers vested in it, have the following powers, *viz.* :—

(*a*) to discuss and declare an opinion on any matter whatsoever relating to the University;

(*b*) to suggest to the Council the removal of any Professor or other teacher of the University or as regards the appointment of additional Professors or other teachers;

(*c*) to formulate, modify or revise schemes for the organization of Faculties of the University and to assign to such Faculties their respective subjects and also to report to the Council as to the expediency of the abolition, combination, or sub-division of any faculty;

(*d*) to make rules for dress and medical inspection of pupils in Colleges; and

(*e*) to fix, subject to any conditions made by the Founders, which are accepted by the University, the times and modes of awarding, and the conditions of competition for, Fellowships, Scholarships, and other Prizes, and to award the same.

5. The Senate shall meet ordinarily once a year in the month of March or April and may meet at other times if convened by the Vice-Chancellor.

6. The Vice-Chancellor shall convene a meeting of the Senate on the requisition of any six Fellows.

7. Twenty members shall constitute a quorum, and all questions shall be decided by a majority of the votes of the members present.

8. Any member of the Senate shall be empowered to bring forward a resolution dealing with any matter contained in the proceedings of the Council, or with any question arising from the budget or otherwise germane to the affairs of the University. Such resolution, if carried, shall be forwarded to the Council, and the Council shall inform the Senate in due course of the action taken. The Senate shall have power to make thereupon a representation to the Government on the subject, should the Senate not be satisfied with, or disapprove of, the course of action adopted by the Council.

THE COUNCIL.

9. The elected and nominated members of the Council shall hold office for a term of two years. All casual vacancies may be filled up by the authority which elected or nominated the member whose place has become vacant. Every member of the Council whose term has expired shall be eligible for re-election or renomination as the case may be.

10. The Council shall submit to Government without delay copies of their proceedings and orders and copies of the proceedings of the Senate.

11. The Council shall meet ordinarily once a month and at other times when convened by the Vice-Chancellor. The Vice-Chancellor, or in his absence, the senior member present, shall preside at all meetings of the Council.

12. Five members shall constitute a quorum, and all questions shall be decided by a majority of the votes of the members present.

13. Subject to the Regulation, and the Ordinances made in pursuance thereof, the Council shall, in addition to all other powers vested in it, have the following powers, *viz.*:—

(*a*) To determine from time to time the number of Professors, Assistant Professors, Readers, Lecturers and other members of the teaching staff as may be necessary for the University and its constituent Colleges;

(*b*) in the case of appointments within their power of disposal, to delegate, subject to the general control of the Council, the power of appointment to such authority or authorities as the Council may from time to time, by general or special resolution, direct;

(*c*) to manage and regulate the finances, accounts, investments, property, business, and all other executive affairs of the University and, for that purpose, to appoint such agents as they may think fit;

(*d*) to invest any moneys belonging to the University including any unapplied income to such stocks, funds, shares, or securities, as they shall from time to time think fit, or in the purchase of immoveable property in Mysore, and vary such investments from time to time;

(*e*) to transfer or accept transfers of any moveable or immoveable property on behalf of the University;

(*f*) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(*g*) to enter into, vary, carry out, and cancel contracts on behalf of the University;

(*h*) to entertain, adjudicate upon and, if thought fit, redress any grievances of the officers of the University, the Professors, the teaching staff, the Graduates, Under-graduates, and the University servants who may for any reason feel aggrieved;

(*i*) to maintain a register of donors to the University;

(*j*) to select a seal for the University and provide for the custody and use of the seal; and

(*k*) to draft Ordinances as and when they see fit and submit the same to the Senate for consideration and approval.

14. It shall be the duty of the Council:—

(i) to order examinations in conformity with the Ordinances, and to fix dates for holding them;

(ii) to appoint examiners, and, if necessary, to remove them, and to fix their fees, emoluments, travelling and other allowances, and to appoint Boards of Examiners and Moderators;

(iii) to declare the results of the various University examinations and to recommend for degrees, honours, diplomas, licenses, certificates and other marks of distinction;

(iv) to award stipends, scholarships, medals, prizes and other rewards in conformity with the Ordinances and conditions prescribed for their award;

(v) to consider and make such reports or recommend such action as may be deemed necessary on proposals or motions brought forward by the members of the Senate and Faculties for consideration by the Senate;

(vi) to publish lists of prescribed or recommended text-books and courses of study; and

(vii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances.

THE FACULTIES.

15. The Faculties shall be constituted every two years.

Each Faculty shall be composed of—

(*a*) Professors of the subjects relating to the Faculty,

(*b*) Such other Fellows of the Senate, not exceeding ten in number, as may be assigned to it by the Senate,

(*c*) Such Assistant Professors, Lecturers and other teachers of the University and such other persons, not exceeding ten in all, as may be appointed thereto by the Council on the recommendation of the Senate.

16. There shall be a Dean of each Faculty who shall be a Fellow elected by that Faculty, and who shall hold office till the next reconstitution of the Faculty. He shall preside at the meetings of the Faculty.

17. A Faculty shall have power—

(i) to consider and report on any matter referred to it by the Senate or by the Council;

(ii) to draft rules in regard to courses of study and examinations prescribed by the University and to lay such rules before the Council in order that they may be brought before the Senate;

(iii) to remit any matter to a Board of Studies comprised within the Faculty for consideration and report;

(iv) to consider any report or recommendation of any Board of Studies;

(v) to hold meetings of the Faculty or a Committee of the Faculty along with any other Faculty or a Committee thereof, for the discussion of any matter of common interest; and

(vi) to make recommendations as to the appointment of Examiners.

BOARDS OF STUDIES.

18. There shall be a Board of Studies in each of the following branches of knowledge:—

i. English and French.
ii. Kannada, Telugu and Tamil.
iii. Urdu and Persian.
iv. Mathematics.
v. Physical Science.
vi. Natural Science.
vii. History and Economics.
viii. Mental and Moral Science.
ix. Sanskrit.
x. Teaching.

19. The Members of the Boards shall be appointed by the Council and shall consist of University Professors and other persons possessing special knowledge of the subjects dealt with by the Boards to which they are appointed.

20. A member of a Board of Studies shall hold office for two years and shall be eligible for re-appointment.

21. No Board shall consist of fewer than three or more than eight members.

22. Each Board shall elect its own Chairman.

23. The duties of the Boards shall be to recommend text-books, to recommend courses of study in their respective departments, to advise in all matters referred to them by the Council or by the Faculty to which they belong.

24. Any Board may consult specialists who are not members of the Board.

BOARD OF AUDIT.

25. A Board of Audit consisting of three Fellows not being members of the Council, shall be appointed by the Senate at its annual meeting.

26. The Board shall meet ordinarily once in three months, and at other times when convened by the Vice-Chancellor.

27. The Board shall examine and audit the University accounts and the accounts of the endowments and trust funds, consider ways and means and the financial effects of any important measures in contemplation, and make recommendations, when necessary, to the Council on all matters relating to the finances of the University. It shall also make an annual report to the Senate on the special features of the finances of the last preceding year.

28. Members of the Board shall hold office until the next annual meeting of the Senate. They shall be eligible for re-appointment at the expiration of their term of office. All vacancies in the Boards occurring in the course of the year shall be filled up by the Council.

THE VICE-CHANCELLOR.

29. The Vice-Chancellor shall exercise general supervision over the educational arrangements of the University, regulate the admission of the students, and maintain the discipline of the University, for which he shall be responsible to the Council.

30. The Vice-Chancellor shall have power to convene any meeting of the Council and the Senate and to perform all such acts as may be necessary to carry out or further the provisions of the Regulation and the Ordinances.

31. If any emergency arises which in the opinion of the Vice-Chancellor requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and report the fact to the authority which in the ordinary course would have dealt with the matter.

32. The Vice-Chancellor may, in matters which are not provided for in the Regulation or the Ordinances and in which he considers a reference to Government is necessary, make such reference to Government on such matters.

33. In any matter connected with the management, administration and development of the University, the Vice-Chancellor may take the necessary initiative.

THE REGISTRAR OF THE UNIVERSITY.

34. There shall be appointed a Registrar who shall also be Secretary to the Senate and the Council. The Registrar may be a member of the Senate but shall not ordinarily be a member of the Council.

35. The Registrar shall be appointed by the Government on the recommendation of the Council, but the first Registrar shall be one appointed by the Government.

36. He shall ordinarily hold office for a period of two years unless he vacates the office by resignation or other cause but shall be eligible for re-appointment.

37. It shall be the duty of the Registrar—

(*a*) to be the custodian of the records, library, common seal, and such other property of the University as the Council shall commit to his charge;

(*b*) to act as Secretary to the Council and to attend, as far as possible, all meetings of the Senate and the Council, and any Committees appointed by the Senate and the Council, and to keep minutes thereof;

(*c*) to conduct the official correspondence of the Council and the Senate;

(*d*) to issue all notices convening meetings of the Senate, Faculties, Council, Boards of Studies, Boards of Examiners, and any Committees appointed by the Senate, the Faculties, the Council, or any of the Boards;

(*e*) to perform such other duties as may, from time to time, be prescribed by the Council, and generally to render such assistance as may be desired by the Vice-Chancellor in the performance of his official duties.

38. The scale of establishment for the offices of the University shall be fixed by the Council from time to time.

COMMITTEES.

39. The Council may from time to time appoint Committees, consisting of Fellows of the University and also, if the Council think fit, of persons who are not Fellows of the University, and may delegate to such Committees such duties as they think fit as regards administrative or other matters affecting the University or any particular Faculty or Department, or the management or supervision of any buildings or other property of the University.

40. The Senate, the Faculties, and the Boards of Studies, shall be similarly empowered to appoint Committees to deal with, and report on, any matter that falls within their respective spheres.

ADMISSION.

41. No one shall be permitted to enter the University in order to study for the B.A. or B.Sc. Degree unless he has passed the University Entrance Examination of this University or the Intermediate Examination of any other Indian University.

42. No one shall be permitted to present himself for the University Entrance Examination, unless he has studied for a year at one of the Collegiate High Schools recognised by the University after he has successfully completed his High School Course.

43. At the University Entrance Examination, a candidate shall be examined in*—

I. English.

II. A second language (Kannada, Telugu, Tamil, Sanskrit, Hindustani, Persian or French). When a student selects Sanskrit or Persian as one of his optional subjects, he shall be required to select for his second language a language other than Sanskrit or Persian.

III. One of the following groups of subjects:—

(*a*) Physics, Chemistry, and Mathematics *or* Natural Science.

(*b*) History, Logic, and Sanskrit *or* Persian *or* Elementary Economics.

44. As an exception, those who pass the Intermediate Examination of the Madras University from any College in 1915-16 or 1916-17, shall be admitted as students of the second year class of this University.

* *See* Appendix.

DEGREES.

45. The University may confer the following degrees :—

BACHELOR OF ARTS (**B.A.**)
BACHELOR OF SCIENCE (**B.Sc.**)
MASTER OF ARTS (**M.A.**)
MASTER OF SCIENCE (**M.Sc.**)
BACHELOR OF TEACHING (**B.T.**)
DOCTOR OF LETTERS (**D.Lit.**) } Honorary.
DOCTOR OF SCIENCE (**D.Sc.**) }

46. The period of study necessary to qualify any student for graduation shall not be less than three years, all of which shall be subsequent to the date at which the student passes the University Entrance Examination or an examination recognised as equivalent to it.

47. A student shall be considered to have studied for a year at the University if he shall have attended the University Lectures for such number of days during the year as may be prescribed by the Senate from time to time.

48. A candidate for the Master's degree shall have pursued his studies under the supervision of the University Professors, under such rules as may be prescribed by the Council, for two years subsequent to his graduation.

49. A candidate for the degree of Bachelor of Teaching shall have taken the Bachelor degree in Arts or Science in this or any other Indian University and have attended for a year the prescribed course of study in this University.

COURSES OF STUDY.

50. All candidates for the B. A. degree shall be required to attend courses of study in the following subjects :—

I. English.

II. A second language (Kannada, Telugu, Tamil, Sanskrit, Hindustani, Persian or French). When a student selects Sanskrit or Persian as one of his optional subjects, he shall be required to select for his second language a language other than Sanskrit or Persian.

III. A. (*a*) in the first year,

(i) Mathematics, Physics, and Chemistry,

Or,

(ii) Zoology, Geology, and Botany.

(*b*) in the second and third years,
any two of the Subjects studied in the first year.

OR,

B. *Two* of the following subjects :—

(*a*) History.
(*b*) Economics and Political Science.
(*c*) Philosophy, Group I.
(*d*) Philosophy, Group II.
(*e*) Sanskrit *or* Persian.

51. Candidates for the B.Sc. degree shall be required to attend courses of study in the following subjects :—

I. English.

II. A second language (Kannada, Telugu, Tamil, Sanskrit, Hindustani *or* French), provided that French (*or* German) shall be studied in the third year.

III. (*a*) in the first year,

(i) Mathematics, Physics and Chemistry.

Or,

(ii) Zoology, Geology, and Botany.

(*b*) in the second and third years, two Subjects, one principal and the other subsidiary, selected from the group studied in the first year.

52. DETAILS OF COURSES OF STUDY FOR THE B.A. DEGREE EXAMINATION.

I. ENGLISH.

(*a*) Text-books for detailed and non-detailed study.

(*b*) History and principles of literature with reference to prescribed books.

(*c*) Principles of style and elocution.

(*d*) Composition.

II. SECOND LANGUAGE.

(a) Kannada.

(1) *Literature*:—

Text-books from the three periods.

(2) *Language*:—

Elementary knowledge of the grammar of old Kannada, and of rhetoric and prosody; and the main outlines of the history of Kannada language and literature. No text-books will be used, but lectures will be given and an elementary hand-book covering the whole field will be prepared.

(3) *Composition and Translation*:—

General principles of composition and style; and for translation, exercises to be chosen from good passages in English poetry and prose.

(b) Telugu.

(1) LITERATURE.
(2) LANGUAGE.
(3) COMPOSITION AND TRANSLATION.

(c) Tamil.

(1) LITERATURE.
(2) LANGUAGE.
(3) COMPOSITION AND TRANSLATION.

(d) Sanskrit.

(*a*) The detailed study of books prescribed from time to time.

(*b*) Grammar and prosody as in Macdonell's "Sanskrit Grammar for Beginners" or Kale's "Smaller Sanskrit Grammar."

(*c*) The History of Literature as in Macdonell's "Sanskrit Literature" (Chapters X—XIV).

(*d*) Translation from English into Sanskrit and *vice versa*.

(e) Hindustani.

(1) LITERATURE.
(2) LANGUAGE.
(3) COMPOSITION AND TRANSLATION.

(f) Persian.

(1) PRESCRIBED BOOKS AND GRAMMAR.
(2) TRANSLATION.

(g) French.

(1) PRESCRIBED BOOKS AND GRAMMAR.
(2) TRANSLATION.

III. OPTIONAL SUBJECTS.

A. (a) Mathematics.

FIRST YEAR.

(*a*) ALGEBRA,
(*b*) TRIGONOMETRY,
(*c*) GEOMETRY, AND
(*d*) ANALYTICAL GEOMETRY.

(*a*) ALGEBRA.

Permutations and combinations. The Binomial theorem, any index. Convergence and divergence of series. Indeterminate equations of the first degree.

(*b*) TRIGONOMETRY.

Properties of triangles and of the circles connected with them. Heights and distances. Division formulæ.

(*c*) GEOMETRY.

(i) *Theory.*

Concurrence and Collinearity. Loci. Elementary Maxima and Minima. The fundamental properties of the parabola.

Concurrence and Collinearity.—The use of signs as applied to lines, angles and areas. If two parallel lines are cut by three or more concurrent transversals, the corresponding segments are proportional; and the converse.

If X, Y, Z, are points in the sides BC, CA, AB of a triangle ABC, such that the perpendiculars to those sides at these points are concurrent, then

$$(BX^2-XC^2)+(CY^2-YA^2)+(AZ^2-ZB^2)=0;$$
$$\text{or} \quad BX^2+CY^2+AZ^2=CX^2+BZ^2+AY^2,$$

and the converse.

If any transversal meets the sides BC, CA, AB of a triangle in D, E, F, then

$$AF.\ BD.\ CE=AE.\ CD.\ BF;$$

and conversely, if three points D, E, F taken on the sides BC, CA, AB of a triangle, satisfy the relation AF. BD. CE=AE. CD. BF, then D, E, F are collinear.

If the lines joining any point to the vertices A, B, C of a triangle meet the opposite sides in D, E, F;

$$\text{then } AF.\ BD.\ CE=FB.\ DC.\ EA;$$

and conversely, if three points D, E, F, taken on the sides BC, CA, AB of a triangle, satisfy the relation AF.BD.CE=FB.DC.EA, then AD, BE, CF are concurrent.

If two unequal similar figures are similarly placed, the lines joining the vertices of one to the corresponding vertices of the other are concurrent.

Loci.—If from a fixed point O a variable line is drawn, and in it points P, Q are taken, so that the ratio of OP to OQ is constant, then (1) if P moves along a straight line, the locus of Q is a parallel straight line; (2) if P moves along the circumference of a circle, the locus of Q is a circle.

The locus of a point which is such that the rectangle under its distances from the equal sides of an isosceles triangle is equal to the square on its distance from the third side, is the circle which touches the equal sides at the extremities of the third side.

If A, B are fixed points, and P a variable point such that the ratio of PA to PB is one of constant inequality, then the locus of P is a circle.

Given the base and vertical angle of a triangle, find the locus of its (1) incentre, (2) orthocentre, (3) centroid, (4) excentres.

If a triangle ABC of given species has one corner A fixed, another B always on a fixed line or circle, then the locus of C will be a line or circle.

Elementary Maxima and Minima.—When two sides of a triangle are given in length, the area of the triangle is greatest when they are placed at right angles.

The maximum triangle which can be inscribed in a given segment of a circle is that formed by joining the middle point of its arc to the extremities of the chord.

If A, B are two fixed points, and XY a fixed line; then for that point P in XY at which AP, BP make equal angles with XY.

(1) AP+PB is minimum, if A, B are on the same side of XY.

(2) AP~BP is maximum, if A, B are on opposite sides of XY.

If A, B are fixed points and P any point in a fixed line, the angle APB will be maximum, when the circle APB touches the fixed line.

Of all triangles having the same base and equal areas, the isosceles triangle has the minimum perimeter.

The maximum of isoperimetric triangles on the same base is the one whose other two sides are equal.

Of all polygons having all sides given but one, the maximum can be inscribed in a semi-circle having the undetermined side as diameter.

Of all isoperimetric polygons of the same number of sides, the equilateral is the maximum.

If P is any point in a given straight line AB, AP, PB is maximum and AP^2+PB^2 is minimum when P is the middle point of AB; of all rectangles, of given area, the square has the minimum perimeter.

The maximum parallelogram which can be inscribed in a triangle by drawing parallels to two of its sides, is that formed by drawing the parallels from the middle point of the third side.

(ii) *Practical Work.*

Simple cases of Orthogonal projection.

(*d*) ANALYTICAL GEOMETRY.

The point, the straight line and the circle.

SECOND AND THIRD YEARS.

(*a*) ALGEBRA,
(*b*) TRIGONOMETRY,
(*c*) GEOMETRY,
(*d*) INFINITESIMAL CALCULUS,
(*e*) DYNAMICS, AND
(*f*) ASTRONOMY.

(*a*) ALGEBRA.

Exponential and logarithmic series. Inequalities. Partial fractions. Elementary methods of summation of series. Theory of equations and elementary properties of determinants. (As in C. Smith's Higher Algebra.)

(*b*) TRIGONOMETRY.

De Moivre's theorem and its simple applications.

(*c*) PURE GEOMETRY.

Harmonic properties of the quadrilateral. Coaxal circles. Inversion. The fundamental properties of the conic sections. The geometry of the line, the plane, and the sphere.

(*d*) ANALYTICAL GEOMETRY.

Elementary plane analytical geometry as applied to conic sections (rectangular axes). The polar equation of a conic referred to the focus as origin. The general equation of the second decree.

(*e*) INFINITESIMAL CALCULUS.

(As in A. E. H. Love's *The Elements of Differential and Integral Calculus*, Cambridge University Press.)

(*f*) DYNAMICS.

(As in Loney's *Statics and Dynamics* for beginners),
and in addition: Angular Momentum and Moment of Inertia in simple cases.

(*g*) ASTRONOMY.

(As in Parker's *Elements of Astronomy*.)

(b) Physics.

FIRST YEAR.

Mechanics, Hydrostatics, Heat, Sound, Light, Magnetism and Electricity. These subjects to be repeated as in the University Entrance Course with amplifications and such additions as may be possible, the treatment being more rigid and more attention being paid to the working of numerical problems than in the school course. In Electricity a certain amount of elementary electrostatics will be introduced.

SECOND AND THIRD YEARS.

In alternate years the two following groups of subjects will be lectured on—

Properties of matter, Sound and Heat:

Light, Electricity and Magnetism.

Properties of matter.—Elasticity. Compressibility of gases, liquids and solids. Rigidity. Strain due to longitudinal pull. Young's Modulus. Simple twisting of shafts and wires treated experimentally. Diffusion. Osmosis. Viscosity. Simple elements of the kinetic theory.

Sound.—Simple theory of wave motion. Interference and diffraction. Measurement of wave lengths and pitch.

Heat.—Calorimetry and thermometry. Conduction, convection and radiation of heat. Simple thermodynamics.

Light.—Simple physical optics and geometrical optics.

Electricity.—Elementary electrostatics treated quantitatively. Resistance and its measurement. Electromotive force and its measurement. Electrolysis. Thermo-electricity. Electromagnetic induction. The theory and practical use of the commoner electrical aparatus.

Magnetism.—Force on magnet in a magnetic field. Measurement of field strength. Terrestrial magnetism and its measurement.

(c) Chemistry.

FIRST YEAR.

The matter prescribed in the Syllabus for the University Entrance Course and in addition the following :—

The classification of the elements. Laws of chemical combination. Atomic theory, symbols and formulæ. Avogadro's hypothesis. Atomic and molecular weights. Chemical equations. Calculations.

The methods of preparation and the properties of the following elements and their principal compounds :—Hydrogen, sodium, potassium, copper, silver, magnesium, calcium, barium, zinc, mercury, boron, aluminium, carbon, silicon, tin, lead, nitrogen, phosphorus, arsenic, oxygen, sulphur, fluorine, chlorine, bromine, iodine, iron.

SECOND AND THIRD YEARS.

The descriptive portion will include the elements and their compounds studied in detail from the standpoint of the periodic classification, omitting the rare metals and the chemistry of carbon compounds.

Theoretical and Physical Chemistry.

Methods of determining equivalent, atomic, and molecular weights ; the atomic theory ; valency ; the properties of gases ; transition from gaseous to liquid state, vapour pressure and boiling point ; solutions and solubility, osmotic pressure ; theory of electrolytic dissociation ; electrolysis ; relation of chemical energy to electrical energy and to heat ; the law of mass-action ; speed of chemical change ; catalysis ; relation of physical properties to chemical constitution.

Practical Course.

Qualitative analysis of simple salts and of mixtures containing not more than two bases and two acids ; volumetric analysis ; inorganic preparations.

(d) Zoology.

FIRST YEAR.

1. *Outlines of General Biology.*—The distinctive properties of living and non-living bodies ; the special characters of animals and plants, their mode of occurrence, meaning of the terms Biology, Morphology, Physiology, Palæontology ; fossils, their mode of formation and the bearing of their study on Zoology and Geology, physical and Chemical properties of Protoplasm ; structure, growth and behaviour of the cell ; formation of tissues and organs ; division of physiological labour ; elements of animal and vegetable physiology and reproduction ; segmentation of the ovum ; fertilisation in animals and plants ; production and dispersal of seeds and spores ; the principles of classification and the origin of species.

2. *Outlines of Zoology.*—The more important distinguishing external characters of the following primary sub-divisions of the animal kingdom :—

Protozoa, Cœlenterata, Annulata, Echinodermata, Arthropoda, Mollusca. Vertebrata (with proper omissions).

Practical Work.

(*a*) A complete examination of the external characters of the following types :—Earthworm, prawn, crab, beetle, dragon-fly, spider, scorpion, centipede, star-fish, fresh water mussel, snail, dog-fish and a bony fish.

(*b*) Microscopic study of Amœba, Paramæcium, and Hydra.

(*c*) Dissection of cockroach, frog and rabbit.

SECOND AND THIRD YEARS.

[NOTE.—Knowledge of groups of lower rank than orders will not be expected and particular attention will be devoted to the study of forms which have an economic importance.]

1. A study of the invertebrata as illustrated by:—

Protozoa. The leading types of the principal classes, with only a very general reference to pathogenic forms.

Porifera. The fresh water sponge and the bath sponge, with an allusion to sponge fishery.

Cœlenterata. A consideration of the outstanding examples of the principal groups including a study of the precious coral.

Annulata. Earthworm and medicinal leech.

Arthropoda. The more important types of the different classes with a special emphasis on insect study in its economic, industrial and sanitary aspects.

Echinodermata. A study of the leading examples.

Mollusca. The chief examples of the important classes including a study of the economic groups.

2. A study of the vertebrata as illustrated by:—

Pisces. Cartilaginous and bony fishes.

Amphibia. The frog and its life history.

Reptilia. A lizard, a chelonian and a snake; a reference to the chief kinds of snakes met with in Southern India, their recognition and treatment of snake bites.

Aves. The pigeon, the principal game birds of Southern India and the migratory forms.

Mammals. The rabbit; a brief study of the more important mammals found in Southern India, in such a way as to bring out the general relationship which their form may bear to their habits and mode of life.

Practical Work.

The first year college course treated more fully and in addition:—

(*a*) Dissection of earthworm, scorpion, fresh water mussel and pigeon.

(*b*) Microscopic study of vorticella, euglena and shells of foraminifera.

(*c*) Examination of transverse sections of earthworm and fresh water mussel.

(*d*) Osteology of the frog, pigeon and rabbit.

(e) Geology.

PHYSIOGRAPHY.

The earth as a planet, its general relations to the other members of the solar system, hypotheses as to the origin of the earth; form, size and density of the earth; its movements and their effects.

The Atmosphere, its composition, height, density, pressure, temperature, moisture and movements; whether, refraction, twilight and aurora-borealis.

The Hydrosphere, its composition, extent and distribution, depth, temperature and movements.

The Lithosphere, the chief constituents of the earth's crust, the general characters and mode of occurrence of igneous and sedimentary rocks, condition of the interior of the earth.

Agents of geological change, the hypogene and epigene agents of geological change, manner and results of their action, especially as influencing earth-sculpture, the destruction, construction, and gradual evolution of the crust of the earth and of its surface features.

Fossils, the main conditions favourable for their formation and preservation and their value as interpreters of the past history of the earth.

Climates, their causes and distribution; glacial epochs.

Simple facts about the geographical and geological distribution of the chief types of plant and animal life. Antiquity of man. Views as to the age of the earth's crust.

MINERALOGY AND CRYSTALLOGRAPHY.

Symmetry; lines, planes and axes of symmetry; laws of Crystallography; the common holohedral hemihedral and hemimorphic crystal forms and combinations under each of the six crystal systems; the more important types of twins and twinning; drawing of the more important crystal forms; systems of crystal notation, use of the contact Goniometer.

The principal physical properties of minerals which aid in the recognition of the various mineral species.

Isomorphism, paramorphism, pseudomorphism and dimorphism.

The chief characteristics of all the more abundant minerals, including both those which are of geological interest and those of commercial value, their modes of occurrence and uses.

The practical determination of the chief physical and chemical properties of the commoner ores and minerals, including the use of the blowpipe.

PETROLOGY.

The classification and distribution of rocks, and the composition, structure, texture, origin and mode of occurrence of all the more important types and their metamorphic and altered forms.

Contact and Rigional Metamorphism.

The macroscopic and microscopic examination of rocks, including the determination of the simpler optical characters of the chief rock forming minerals in parallel polarised light. Preparation of diagrams or sketches to represent features observed in rock sections under the microscope. Construction and use of a simple petrological microscope.

STRUCTURAL AND FIELD GEOLOGY.

The more important lithological and structural features of rocks, their origin or formation; structure of mineral veins. Diagrammatic sketches of the above.

Construction and Interpretation of geological maps and sections. Tracing of outcrops. Simple problems in structural geology.

STRATIGRAPHY AND PALAEONTOLOGY.

The chief petrological and palaeontological characters of the main geological divisions and their Indian representatives and the probable physical conditions under which they were formed.

Fossils, their nature and preservation. The main groups of vegetable and animal life and their distribution in time.

The characters, classification and distribution of the more important types of fossils—especially Indian; identification and sketching of fossils; causes for the imperfection of the geological record; the general succession of life as revealed thereby and the general evidence furnished in support of evolution; principles of correlation; homotaxis.

Practical Work.

Geological excursions to parts in and outside Mysore for nearly a month. Determination of rocks by their micro-characters and of minerals by the blowpipe, microscopic and other methods. Drawing of crystal forms, fossils and micro-sections, construction and interpretation of geological maps and sections. Problems in structural geology.

(f) Botany.

(Details to be prepared.)

B. (a) History.

(1) OUTLINES OF GREEK AND ROMAN HISTORY.
(2) HISTORY OF ENGLAND.
(3) HISTORY OF EUROPE (476—1878).
(4) HISTORY OF INDIA.

(b) Economics and Political Science.

(1) THE BRITISH CONSTITUTION.
(2) RECENT ECONOMIC HISTORY OF ENGLAND.
(3) ECONOMICS.
(4) POLITICAL SCIENCE.

(c) Philosophy : Group I.

(1) LOGIC.
(2) PSYCHOLOGY.
(3) THEORY OF KNOWLEDGE.
(4) OUTLINES OF EUROPEAN PHILOSOPHY FROM DESCARTES TO HEGEL.
(5) OUTLINES OF INDIAN PHILOSOPHY.
(6) ELEMENTS OF PHILOSOPHY. (With special reference to a prescribed Philosophical Classic.)

(d) Philosophy : Group II.

(1) PSYCHOLOGICAL AND SOCIOLOGICAL GROUNDWORK, AND HISTORY, OF ETHICS.
(2) THEORY OF ETHICS.
(3) HISTORY OF POLITICAL THOUGHT.
(4) ANCIENT PHILOSOPHY.
(5) AN ETHICO-POLITICAL TREATISE.
(6) POLITICAL PHILOSOPHY.

(e) Sanskrit.

(1) DETAILED STUDY OF BOOKS—BOTH IN PROSE AND VERSE—PRESCRIBED FROM TIME TO TIME.
(2) HISTORY OF SANSKRIT LITERATURE.
(3) GRAMMAR AND HISTORY OF SANSKRIT LANGUAGE.
(4) TRANSLATION AND COMPOSITION.

The details of the course will be as follows :—

(1) *Detailed study* of (i) Suitable selections from *Vedic* literature—
(i) Mantras and
(ii) Brahmanas.
(ii) Representative selections form *classical* literature
(i) *Kavya*, *Nataka*, *etc.*,
(ii) *Alankara* and
(iii) *Tarka.*

(2) *History of Sanskrit Literature.*—Especially in reference to works prescribed under (1).

(Macdonell's "History of Sanskrit Literature" to form the basis of study.

(3) (i) *Grammar.*—Declension and conjugation as in Monier Williams' "Sanskrit Grammar" or Kale's "Higher Sanskrit Grammar"; remaining portions as in Rajaraja Varma's "*Laghupaniniyam*" (pages 1—20, 50—67 and 53—404).

(ii) *History of Sanskrit Language.*—To be dealt with in lectures, in the third year, according to a syllabus.

(4) (i) Translation of unprepared passages from Sanskrit into English and *vice versa* (first two years).

(ii) Simple exercises in Sanskrit Composition (third year).

(e) Persian.

(1) DETAILED STUDY OF PRESCRIBED BOOKS.
(2) HISTORY OF PERSIAN LITERATURE.
(3) GRAMMAR AND HISTORY OF PERSIAN LANGUAGE.
(4) TRANSLATION AND COMPOSITION.

A knowledge of Arabic grammar will be expected from the candidates.

53. DETAILS OF COURSES OF STUDY FOR THE B. Sc. DEGREE.

(To be prepared.)

EXAMINATIONS.

54. The Examinations shall be held at such time, in such places, and in such manner as may be prescribed by the Senate.

55. There shall be boards of examiners for the following subjects, or groups of subjects.

i. English and French.
ii. Kannada, Tamil and Telugu.
iii. Hindustani and Persian.
iv. Sanskrit.
v. Mathematics.
vi. Physical Science.
vii. Natural Science.
viii. Mental and Moral Science.
ix. History and Economics.
x. Teaching.

56. At least one examiner who is not on the teaching staff of the University shall be appointed by the Council for each subject or group of subjects forming part of the course of studies required for University Degrees.

57. The Council shall issue detailed instructions to examiners and determine the scale of remuneration to be paid to them.

58. Credit shall be given for regular work and progress during the years of study at the University. Candidates shall be required to submit for the inspection of Examiners their library and laboratory note-books countersigned by the Professor or Professors under whom they have worked.

59. No candidate shall be declared to have passed the Entrance examination unless he obtains not less than 40 per cent in English and 35 per cent in each of the other subject groups; provided that candidates who pass in English and obtain more than 50 per cent in all the subjects together, will be declared to have passed though they may not have obtained a minimum in one of the other groups.

60. A similar rule shall be applied in the case of those who wish to obtain qualifying certificates at the examination held at the end of the first year of the University course.

61. The B.A. examination shall be held in four divisions as follows :—

(1) English language.
(2) Second language.
(3) and (4) Optional subjects.

Those candidates who obtain not less than 35 per cent in each division shall be declared to have passed, provided they obtain 40 per cent of the total number of marks.

62. In the case of candidates who have failed to pass the examination, the Council shall have power to exempt them from submitting themselves to examination in divisions in which they have obtained not less than 60 per cent of marks in any examination for the B.A. degree held within two years previous to the date of application.

63. The names of successful candidates in the Entrance examination and in the first year Certificate examination shall be published in the gazette in alphabetical order.

64. In the B.A. examination, the names of those who obtain not less than 60 per cent of marks shall be arranged in order of merit, in the first division and of the rest in alphabetical order in the second division.

65. SCHEME OF EXAMINATIONS.

University Entrance Examination.

1. *English.*

i. Non-detailed study books for composition and composition exercises	1 paper (3 hours).
ii. Detailed study text-books	" 2 "

2. *A Second Language.*

i. Text-books	1 paper (3 hours).
ii. Composition and translation	1 " 2 "

3. *Optional Subjects.*

(a) *Mathematics*	2 papers (3 hours).
(b) *Physics*	" "
(c) *Chemistry*	" "
(d) *Natural Science*	" "
(e) *History.*	
Outlines of European History	2 papers (2 hours).
(f) *Elementary Economics*	1 paper (3 hours).
(g) *Logic*	1 paper (3 hours).
(h) *Sanskrit*—	
i. Prescribed books, Grammar and Prosody ...	1 paper (3 hours).
ii. Translation	1 paper (2 hours).
(i) *Persian*—	
i. Prescribed books and Grammar	1 paper (3 hours).
ii. Translation	" (2 hours).

First Year Examination.

1. *English.*

i. Composition	1 paper (3 hours).
ii. Poetry and Drama	" "
iii. Prose	" "

2. *A Second Language.*

2 papers (3 hrs. and 2 hrs.).

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3. *Optional Subjects.*

A.	(a) *Mathematics*	2 papers (2 hours each).
	(b) *Physics*	2 papers of 2 hours each, and practical examination, in each subject.
	(c) *Chemistry*	
	(d) *Zoology*	
	(e) *Botany*	
B.	(a) *History.*	
	i. Ancient History	1 paper (3 hours).
	ii. History of England	,, (2 hours).
	(b) *Economics and Political Science*—	
	i. British constitution	1 paper (3 hours).
	ii. Recent Economic History of England	,, (2 hours).
	(c) *Philosophy, Group I.*	
	i. Psychology	1 paper (3 hours).
	ii. Logic	,, (2 hours).
	(d) *Philosopy, Group II.*	
	i. Theory of Ethics	1 paper (3 hours).
	ii. Groundwork of Ethics	,, (2 hours).
	(e) *Sanskrit or Persian*—	
	i. Text-books	1 paper (3 hours).
	ii. Translation or composition	,, (2 hours).

Final Examination for the B.A. Degree.

1. *English.*

i. Drama	1 paper (3 hours)
ii. Poetry	,, ,,
iii. Prose	,, ,,
iv. Composition, General	,, ,,

2. *A Second Language.*

i. Text-books and Grammar	1 paper (3 hours).
ii. Composition and translation	,, ,,

3. *Optional Subjects.*

A.	(a) *Mathematics.*	
	i. Algebra and Trigonometry	1 paper (3 hours).
	ii. Geometry	,, ,,
	iii. Dynamics	,, ,,
	iv. Calculus and Astronomy	,, ,,
	(b) *Physics*	2 papers of 3 hours each, and practical examination, in each subject.
	(c) *Chemistry*	
	(d) *Geology*	
	(e) *Zoology*	
	(f) *Botany*	
B.	(a) *History.*	
	i. History of India	2 papers (3 hours).
	ii. History of Europe	,, ,,
	(b) *Economics and Political Science.*	
	i. Economics	2 papers (3 hours).
	ii. Political Science	,, ,,
	(c) *Philosophy, Group I.*	
	i. Theory of knowledge	1 paper (3 hours).
	ii. Outlines of European Philosophy	,, ,,
	iii. Outlines of Indian Philosophy	,, ,,
	iv. Elements of Philosophy	,, ,,
	(d) *Philosophy, Group II*	
	i. Ancient Philosophy	1 paper (3 hours).
	ii. An Ethico-Political Treatise	,, ,,
	iii. History of Political Thought	,, ,,
	iv. Political Philosophy	,, ,,
	(e) *Sanskrit or Persian.*	
	i. Text-books	1 paper (3 hours).
	ii. Grammar, Translation or Composition	,, ,,
	iii. History of Language and Literature	,, ,,
	iv. Unprepared translation	,, ,,

CONVOCATION.

66. A Convocation for the purpose of conferring degrees shall be held annually at Mysore on such date as the Chancellor may direct.

67. The Council shall frame the rules of procedure for the purpose.

REGISTRATION OF GRADUATES.

68. The Council shall maintain a register in which a Graduate of any University resident in Mysore, or other Graduates when specially permitted by the Council may be registered, on the following conditions, namely :—

(i) that he pays an entrance fee of Rupees Five along with his application to the Secretary to be registered as a Graduate; and

(ii) that he agrees to pay an annual fee (in advance) of 2 rupees;

Provided that application for registration under this Ordinance shall be made within three years from 1st July 1916.

69. The annual payment of 2 rupees may be compounded at any time by payment of Rs. 25.

FEES.

70. (1) A fee of Rs. 60 a year shall be charged for the courses of study for the Bachelor's Degree and shall be paid in 8 monthly instalments.

(2) The Council may modify the scale from time to time but not so as to enhance fees for students already admitted in colleges.

71. Provision shall be made for awarding free studentships to a maximum of 33 per cent of the number of the students in each class. They shall be awarded by a Committee of the Principal and the Professors of each College who shall take primarily into consideration the poverty of the applicants.

72. The scale of fees for admission to the different examinations of the University shall be as follows :—

		Rs.
i.	Entrance Examination	15
ii.	B.A. or B.Sc. Degree Examination	36
iii.	B.T. Degree Examination	30
iv.	M.A. or M. Sc. Degree Examination	50

EXTENSION LECTURES.

73. The Council shall appoint a Committee of Professors and other persons to make arrangements for courses of lectures on suitable subjects for the benefit of those who are unable to attend the ordinary courses of study at the University, and to publish such of the lectures as may be approved by the Committee.

PUBLICATION WORK.

74. The Council shall also appoint a Committee, to be called the University Publication Committee, for printing and publishing approved works.

75. Works of merit recommended by the Committee may be published under orders of the Council at the cost of the University.

76. Special encouragement may be given to production of works of merit in the Kannada Language.

RECOGNITION OF SCHOOLS.

77. A High School already existing or newly established which is desirous of being recognised as a school competent to present candidates for the University

Entrance Examination, shall apply to the Council by a letter addressed to the Registrar of the University.

78. The School shall furnish a preliminary statement showing :—

(*a*) that the recognition applied for is necessary in public interests,

(*b*) that the financial position of the school is sound and that the rates of fees levied are reasonable,

(*c*) that the school is under the management of a regularly constituted Committee on which the teaching staff is represented,

(*d*) that the number, qualifications, character and terms of appointment of the teaching staff are satisfactory,

(*e*) that the buildings in which the school is carried on and its surroundings are suitable and that the furniture is of the proper type and adequate,

(*f*) that due provision is made for the requirements of both teachers and pupils in respect of (1) a reference and lending library, (2) scientific apparatus and appliances, (3) maps, models, natural history collections, etc.,

(*g*) that the school authorities have made provision for maintaining discipline amongst the pupils and require pupils not living with their guardians to reside in duly supervised hostels or lodging houses,

(*h*) that no teacher is allowed to teach more than 50 pupils at the same time in the University Entrance Class.

79. On receipt of the application for recognition, and of such further information as it may require, the Council shall call for a report on the application from a person or persons deputed for the purpose. After considering the report of inspection the Council shall decide whether the school shall be recognised or not, and, if recognised, in what subjects.

80. If a recognised school desires to add to the courses of instruction in respect of which it is recognised, the procedure described in the foregoing rules, so far as may be necessary, should be followed.

81. The conditions of recognition or of the continuance of recognition shall include (1) that the school shall submit to periodical inspection by a person or persons deputed by the Council, and (2) that it shall submit a short annual report of working together with a list of the staff of the school and of changes therein and a full and complete statement of accounts by such date as the Council may fix.

82. It shall be competent to the Council at any time to cancel the recognition of any school for any one of the following reasons :—

(*a*) If a school for a period of three years in succession fails to pass 33 per cent of the candidates sent up for the University Entrance Examination.

(*b*) If the reports of the inspections received show that the school is no longer worthy of recognition.

(*c*) If it is found that any of the essential conditions of recognition are no longer fulfilled.

(*d*) For any other reasons considered to be sufficient by the Council, the reason to be specified and recorded.

No action shall be taken under this rule without giving the school authorities an opportunity of stating their own case.

83. The following High Schools are recognised as competent to present candidates for the University Entrance Examination :—

The Government High School, Bangalore ...	All subjects included in III of Ordinance 43.
The Maharaja's High School, Mysore ...	Do do
The Government High School, Shimoga ...	Subjects included in III (*b*) of Ordinance 43.
Do do Tumkur ...	Do do
Maharani's College, Mysore	Do do

RESIDENCE.

84. Every student who does not reside with his parents, or guardians approved by the Vice-Chancellor, shall reside in the University hostels or in lodgings approved by the Council.

85. The Council shall appoint a Committee to deal with questions relating to the residence of students.

GENERAL.

86. In matters not provided for in these Ordinances, the Senate or Council shall, till further Ordinances are duly framed, have power to frame subsidiary rules and to carry out all necessary functions and duties in such manner as may be convenient and reasonable, and in accordance with the spirit of the Regulation and Ordinances.

"By order,"

P. G. D'SOUZA,

Secretary to Government,

Departments of Education and Agriculture.

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APPENDIX.

The University Entrance Examination.

A. ENGLISH.

(*a*) *Composition*:—

The elementary principles and methods of composition with exercises—

(i) in condensing the subject matter of portions of prose or poetry; and

(ii) in writing single paragraphs, narrative, descriptive, expository, on topics suggested by the books read or subjects of common knowledge to High School students; and

(iii) in writing complete essays of several paragraphs.

(*b*) *Literature*:—

(i) Detailed Study—

Poetry: Simple narrative or lyric.

Prose: Essays or short biography.

(ii) Non-detailed Study—

Two or three books: Greek stories, fiction, popular history or science, short biography or essays.

B. SECOND LANGUAGE.

(a) Kannada.

(*a*) *Text-books in modern Kannada Poetry and Prose.*
(*b*) *Composition on general subjects.*

(b) Telugu.

(*a*) *Text-books.*
(*b*) *Composition on general subjects.*

(c) Tamil.

(*a*) *Text-books.*
(*b*) *Composition on general subjects.*

(d) Sanskrit.

(*a*) *Detailed study of simple works prescribed from year to year.*
(*b*) *Elements of Practical Grammar.*
(*c*) *Translation from Sanskrit into English and* vice versa.

(e) Hindustani.

(*a*) *Text-books.*
(*b*) *Composition on general subjects.*

(f) Persian.

(*a*) *Detailed study of simple works prescribed from year to year.*
(*b*) *Elements of Persian Grammar.*
(*c*) *Translation from Persian into English and* vice versa.

(g) **French.**

(*a*) *Text-books and Grammar.*
(*b*) *Translation.*

C. OPTIONAL SUBJECTS.

(a) Mathematics.

Candidates will be required to be acquainted with the use of mathematical tables.

(1) ALGEBRA.

Algebraical laws and principles and their applications. Ratio and proportion. Theory of indices. Simple surds. Theory of Equations and expressions of the second degree. Simultaneous equations of the second degree in two unknowns. The three progressions. Interest and annuities.

(2) PLANE TRIGONOMETRY.

Measurement of angles. Trigonometrical functions and their relations to one another. Simple equations. Addition and multiplication formulæ. Solution of triangles.

[*N.B.*—Only a general outline of the subject is expected.]

(3) GEOMETRY.

(i) *Theory.*

Ratio and Proportion. Similar figures. Properties of triangles and circles. Easy deductions.

Ratio and Proportion.—Definition and elementary theorems connecting the antecedents and consequents.

A given straight line can be divided internally in a given ratio at one, and only one, point; and externally at one, and only one, point.

A straight line drawn parallel to one side of a triangle cuts the other two sides, or those sides produced, proportionally; and the converse.

If the vertical angle of a triangle is bisected internally or externally, the bisector divides the base internally or externally into segments which have the same ratio as the other sides of the triangle; and the converse.

In equal circles, angles, whether at the centres or circumferences, have the same ratio as the arcs on which they stand.

Triangles and parallelograms of equal altitude are to one another as their bases.

If two triangles have one angle of the one equal to one angle of the other, their areas are proportional to the rectangles contained by the sides about the equal angles. Similarly for parallelograms having one angle of the one equal to one angle of the other.

Similar Figures.—If two triangles are equiangular their corresponding sides are proportional; and the converse.

If two triangles have one angle of the one equal to one angle of the other and the sides about these equal angles proportional, the triangles are similar.

Two triangles are similar, if the sides of the one are respectively parallel or perpendicular to the sides of the other.

If two triangles have two sides of the one proportional to two sides of the other, and an angle in each opposite one corresponding pair of these sides equal, the angles opposite the other pair are either equal or supplementary.

If from the right angle A of a right-angled triangle ABC, AD is drawn perpendicular to BC, then (1) AD is the mean proportional between BD and DC, (2) BA is the mean proportional between BD and BC and (3) CA is a mean proportional between CB and CD.

If two triangles are similar, their corresponding lines (such as medians, altitudes, inradii,) are to one another in the ratio of their corresponding sides.

Similar triangles are to one another as the squares on their corresponding sides.

Two similar polygons can be divided into the same number of triangles similar to each other and similarly placed; and the converse.

The perimeters of two similar polygons are to each other as any corresponding sides.

Areas of similar polygons are proportional to the squares on corresponding sides.

Properties of Triangles.—The three medians of a triangle meet in a point, and this point is a point of trisection of each median, and also of the line joining the circumcentre to the orthocentre.

If D is a point in the side BC of a triangle ABC such that $BD = 1/n\ BC$, then

$$(n-1)\ AB^2 + AC^2 = n.\ AD^2 + (1-1/n)\ BC^2.$$

The perpendiculars from the vertices of a triangle on the opposite sides meet in a point, and the distance of each vertex from the orthocentre is twice the perpendicular distance of the circumcentre from the side opposite to that vertex.

The circle through the middle points of the sides of a triangle passes also through the feet of the perpendiculars of the triangle and through the middle points of the three lines joining the orthocentre to the vertices of the triangle.

If a perpendicular drawn from the vertex to the base of a triangle is produced to meet the circumcircle, then the distance of this point of intersection from the base is equal to the distance of the orthocentre of the triangle from the base.

The feet of the perpendiculars drawn on the sides of a triangle from any point P on the circumcircle of that triangle are collinear.

If the vertical angle of a triangle is bisected by a straight line which cuts the base, the rectangle contained by the sides of the triangle is equal to the rectangle contained by the segments of the base together with the square on the straight line which bisects the angle.

If from the vertical angle of a triangle straight line is drawn perpendicular to the base, the rectangle contained by the sides of the triangle is equal to the rectangle contained by the perpendicular and the diameter of the circle described about the triangle.

Properties of Circles.—The locus of the points of intersection of tangents drawn at the extremities of chords of a circle which pass through a fixed point, is a straight line.

If the polar of A passes through B, then the polar of B passes through A.

If P and Q are any two points in the plane of a circle whose centre is O, then OP bears to OQ the same ratio as the perpendicular from P on the polar of Q bears to the perpendicular from Q on the polar of P.

The locus of points from which the tangents to two given co-planar circles are equal is a line perpendicular to the line of centres.

In two circles, if any two parallel radii are drawn (one in each circle), the straight line joining their extremities cuts the line of centres in one or other of two fixed points (called centres of similitude).

If through a centre of similitude S of two circles, a line is drawn cutting the circles, radii to a pair of corresponding points are parallel.

If through a centre of similitude of two circles, a line is drawn cutting the circles, then the rectangle under the distances of one pair of non-corresponding points from S is equal to the rectangle under the distances of the other pair of non-corresponding points from S; and each of these rectangles is constant.

In a cyclic quadrilateral the rectangle contained by the diagonals is equal to the sum of the rectangles contained by the opposite sides.

(ii) *Practical Work.*

Construction of the circumscribed, inscribed and escribed circles of triangles and regular polygons. Construction of triangles and quadrilaterals from given

data, and their division in any given ratio. Areas of polygons. Construction of similar figures.

(b) Physics.

Mechanics.—Units of length, mass and time. Position, change of position, rate of change of position, rate of change of speed in a straight line. Force, energy, work and power. The vector parallelogram, simple systems of parallel forces, centre of gravity. Simple machines. The simple pendulum treated experimentally gravitational acceleration.

Hydrostatics.—Fluid pressure. Principle of Archimedes with simple applications. Determination of specific gravity. Pressure of a gas and its measurement: atmospheric pressure. Boyle's Law. Simple piston pumps.

Heat.—Distinction between quantity of heat and temperature. Measurement of temperature by liquid-in-glass thermometers. Expansion. Specific heat and its determination. Fusion, evaporation, latent heat. Vapour pressure. Conduction, convection and radiation. Heat and work. Description of the steam engine.

Sound.—Production and propagation. Velocity in air. Reflection; echoes. Loudness and pitch of musical notes.

Magnetism.—Magnets and magnet poles. Law of force. Shape of fields due to straight and bent magnets. Magnetism of Earth: the magnetic compass. Simpler magnetic properties of iron and steel.

Electricity.—Simple voltaic cell. Electric current. Chemical effects of current. Magnetic field of current. Galvanometers. Electro-magnets. Heating effect of currents. Electromotive force: resistance and its comparison by simple substitution methods. Electric telegraphs. Electric bells. Electric light. Electric direct current motors.

Light.—Laws of reflection, and refraction with very simple applications. Lenses and mirors. Telescopes and microscopes. Dispersion. Production of a spectrum.

(c) Chemistry.

Objects of study of Chemistry: to ascertain composition of materials; to investigate changes in composition; and from the foregoing to deduce general laws.

Mixtures and compounds: methods of resolving mixtures into their constituents; examples; sand and sugar by solution and filteration; salt and water by evaporation; alcohol and water by distillation; sand and sal ammoniac by sublimation; sulphur and iron magnetically; copper sulphate and water by crystallisation.

Chemical change: combination illustrated by sulphur and iron, sulphur and oxygen, candle and oxygen, quicklime and water. Decomposition illustrated by heating sugar, action of sodium on water, heating mercuric oxide, heating lead nitrate. Replacement illustrated by zinc and sulphuric acid, zinc and copper sulphate. Double decomposition illustrated by common salt and silver nitrate.

Ultimate products of decomposition; elements: Number of elements known. Examples of commonly occurring elements; oxygen, nitrogen, silver, gold, iron, sulphur, carbon.

Combination consists in union of elements with elements, elements with compounds, or compounds with compounds, a new compound being formed in every case. Burning as a special case of combination. Burning of phosphorus, of sulphur, of magnesium, and of a candle. Rusting of iron, oxidation of mercury and of copper. Products of burning or oxidation always heavier than material burnt or oxidised. Water and carbonic acid as products of combustion.

Composition of air as deduced from experiments on combustion. Reasons for regarding air as a mixture. The active and inactive constituents of air.

Oxygen: Discovery. Preparation. Properties. Comparison of combustion in oxygen and air. Character of oxygen compounds as illustrated by oxides of phosphorus, sodium, and mercury. Meaning of acids and bases; their characteristic properties.

Hydrogen: Preparation from sodium and water; from water by electrical decomposition; from acids by the action of metals such as iron and zinc; from

caustic alkalies by the action of aluminium or zinc. Properties. Water a compound of hydrogen and oxygen.

Composition of compounds determined: (1) By analysis, (2) by synthesis, illustrated by the case of water. Methods of carrying out these processes. Composition of water by volume and by weight. Guy Lussac's Law of Volumes. Constancy of composition of water. This constancy of composition characteristic of all compounds. Law of definite proportions. Properties of water; solvent action on solids and gases, illustrated by solutions of copper sulphate, sugar, air and carbon dioxide. Nature of rain water, sea water, spring and river water. Purification of water: distillation. Crystals and crystallisation; water of crystallisation. Extraction of salt from sea water.

Nitrogen: preparation from air. Properties.

Nitric acid: preparation from nitre; properties. Formation and nature of salts. Nitrous oxide, nitric oxide, and nitrogen peroxide.

Ammonia: preparation; properties; power of neutralising acids; solubility. Ammonium chloride and ammonium nitrate and their behaviour on heating.

Carbon: Occurrence and different forms. Properties and uses. When burnt forms carbonic dioxide. This gas always formed when carbon compounds are burnt; hence wood, candles, oil, all contain carbon. Preparation and properties of carbon dioxide; action on lime water; product of respiration of animals and plants.

Sulphur: occurrence and different forms; properties; when burnt forms sulphur dioxide.

Sulphuric acid: properties and uses.

Chlorine and hydrochloric acid: preparation of hydrochloric acid from common salt; properties of the gas and of its solution in water. Chlorine from hydrochloric acid and manganese dioxide; combination of chlorine with hydrogen and with sodium to form hydrochloric acid and common salt. Bleaching action.

Phosphorus: different forms; their properties and uses.

Silicon: a constituent of sand. Occurrence of silica free and in combination.

General properties of non-metals and metals.

Sodium and potasium: occurrence and properties. Common salt, sodium carbonate and bicarbonate, caustic soda, potasium nitrate, potasium chlorate, caustic potash.

Calcium: occurrence as carbonate. Production of lime from limestone; properties of lime; mortars. Calcuim sulphate: gypsum and plaster of paris; calcium chloride; bleaching powder.

Occurrence, general method of preparation, properties and uses of zinc, iron, lead, silver, mercury, copper and aluminium. Properties of their more important compounds.

Practical Work.

The practical course will aim chiefly at developing facility in the ordinary methods of manipulation, and as regards subject matter will follow the course given in Smith's "Laboratory Outline of Elementary Chemistry," omitting the portion dealing with ionisation.

(d) Natural Science.

ELEMENTARY BOTANY.

[NOTE.—The work will be chiefly practical, if necessary, with the aid of a simple lens. There will be no detailed reference to Histology except where necessary to understand the elements of plant physiology. The candidate will be required to draw and describe parts of plants.]

1. *External Morphology.*—The root, stem, bud, and bud scales, leaf, flower, fruit and seed; their component parts, chief modifications and their functions treated practically.

2. *Systematic Botany.*—The general principles of classification and the

characteristics of the following natural orders viewed from an elementary standpoint:—

Malvaceæ, Leguminasæ, Rubiaceæ, Compositaeæ, Apocynaceæ, Asclepiadaceæ, Labiatæ, Euphorbiaceæ, Palmeæ, Orchidaceæ, Scitamineæ and Gramineæ.

3. *Ecology.*—A brief consideration of the principal modifications of the stems of the desert and water plants and general principles of plant distribution from a geographical and ecological point of view.

4. *Physiology.*—Germination of seed, and the conditions necessary for it; functions of root, leaf, flower and pollination; simple experiments to illustrate the above.

Practical Work.

Laboratory note books of approved form for record of observations will be maintained.

OUTLINES OF HUMAN PHYSIOLOGY.

[NOTE.—The subject will be treated from a practical standpoint and all references to Histological details will be omitted.]

The leading facts concerning the chief tissues of the body; the human skeleton; the principal joints and the action of the muscles; the nature and function of blood; the position and arrangement of viscera in man, circulatory and respiratory organs; food, its nature, digestion and absorption; the principal glands and their functions; waste, its nature and mode of elimination; temperature of the body and its maintenance; the chief functions of the central nervous system, nerves and sensory organs.

ELEMENTS OF ZOOLOGY.

A brief consideration of the external characters of the following animals:—

Earthworm, spider, scorpion, cockroach, beetle, butterfly, caterpillar, fish, frog, lizard, snake, bird, bat, cat, rabbit, cow and horse.

(These animals will be studied in such a way as to bring out the relation which their form bears to their habits and mode of life.)

(e) History.

OUTLINES OF EUROPEAN HISTORY.

(f) Economics.

ELEMENTARY ECONOMICS.

(g) Logic and Scientific Method.

(h) Sanskrit.

(a) *Detailed study of books—both in prose and verse—prescribed from year to year.*

(b) *The Elements of Sanskrit Grammar and Prosody as in Macdonnell's "Sanskrit Grammar for Beginners" or, Kale's "Smaller Sanskrit Grammar"; and,*

(c) *Translation of unprepared passages from Sanskrit into English and* vice versa.

(i) Persian.

(a) *Detailed study of books—both in prose and verse—prescribed from year to year.*

(b) *Elements of Persian Grammar.*

(c) *Translation of unprepared passages from Persian into English and* vice versa.

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NOTIFICATION.

No. 801—EDN. 12-16-13, DATED BANGALORE, 25TH JULY 1916.

In exercise of the powers conferred by Sections 10 and 22 of the Mysore University Regulation, 1916, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules to govern all appointments, punishments, retirements, removals, leave, pension, etc., of the Professors, Assistant Professors, Officers and employees of the University of Mysore.

I. All appointments carrying a salary of one hundred rupees and upwards, per mensem shall be made by Government in consultation with the University Council as far as possible.

II. Appointments carrying a salary less than one hundred rupees per mensem may be made by the University Council.

III. The Mysore Service Regulations, in force for the time being, shall be applicable to all Professors, Assistant Professors, Officers and other employees of the University mentioned in Section 22 of the Mysore University Regulation, 1916.

IV. Casual leave and leave of any other kind for a period not exceeding one month may be sanctioned by the Vice-Chancellor of the University when no acting arrangements are required in the case of all Officers whose appointment requires the sanction of Government.

V. The punishment, retirement and removal of the Professors, Assistant Professors, Officers and other employees of the University whose salary is one hundred rupees and upwards shall vest in the Government and of those whose salary is less than one hundred rupees per mensem, in the University Council.

By Order,

P. G. D'SOUZA,

Offg. Secretary to Government,

Departments of Education and Agriculture.

Registered No. M.—1175

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BANGALORE, THURSDAY, AUGUST 31, 1916.

PART III.

Legislative Measures and Rules thereunder.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Public Offices Buildings, Bangalore, on Monday the 17th July 1916, at 12 noon.

PRESENT.

SIR M. VISVESVARAYA, B.A., L.C.E., M.INST.C.E., K.C.I.E., Dewan (Presiding).

Ex-officio Members.

1. SIR SRI KANTIRAVA NARASIMHARAJA WADIYAR BAHADUR, G.C.I.E., Extraordinary Member of Council.
2. A. R. BANERJI, ESQ., M.A., I.C.S., C.I.E., First Member of Council.
3. K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L., Second Member of Council.

Additional Members.

Official.

1. RAJAMANTRAPRAVINA DEWAN BAHADUR J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S.
2. K. S. DORASWAMY IYER, ESQ.
3. DEWAN BAHADUR C. SRIKANTESVARA AIYAR, ESQ., B.A., B.L.
4. P. RAGHAVENDRA RAO, ESQ., B.A., B.L.
5. RAO BAHADUR M. SHAMA RAO, ESQ., M.A.
6. D. M. NARASINGA RAO, ESQ., B.A., B.L.
7. C. S. BALASUNDARAM IYER, ESQ., B.A.
8. C. S. DORASWAMY IYER, ESQ., B.A., B.L.

Non-Official.

1. RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, ESQ.
2. M. CHENGIAH CHETTY, ESQ., B.A.
3. H. NARASINGA RAO, ESQ.
4. B. V. RAMASWAMY CHETTY, ESQ., B.A.
5. NAWAB GULAM AHMED KALAMI, ESQ.
6. M. BASAVA IYA, ESQ., B.A., B.L.
7. B. NARASINGA RAO, ESQ.
8. M. KARNICK KRISHNAMURTHI RAO, ESQ.
9. C. NARASIMHAIYA, ESQ., B.A., B.L.
10. B. K. GARUDACHAR, ESQ.
11. M. VENKATAKRISHNAIYA, ESQ.
12. S. SEETHARAMAIYA, ESQ.

ABSENT.

B. VENKATASHAMANNA, ESQ., B.A., B.L.

G. SREENIVASA IYER, ESQ., B.A., M.L. (Secretary).

Secretary's Report to the Council.

The Secretary reported to the Council that the Bill further to amend the Mysore Stamp Regulation, 1900, received the assent of His Highness the Maharaja on the 30th June 1916.

The Mysore University Bill.

Mr. A. R. Banerji.—SIR,—The preliminary motion before the Council to-day with reference to the Mysore University Bill is that the rules of business be suspended so that the report of the Select Committee together with the Bill as amended by them be taken into consideration at once.

Under Rule 46 of the rules of business at least 15 clear days' interval is required between the receipt of the Select Committee's report by members and the consideration of the same in Council; and further an interval of 21 days is also necessary between the date of the publication of the report and consideration of the same. On the last occasion when the Bill was read in Council some indulgence was shown in regard to the suspension of the ordinary rules of business. I hope that the same indulgence will be shown on this occasion also and in view of the urgency of the matter, the Council will allow the presentation of the report of the Select Committee before the due date and its consideration at once so that the Bill may be passed into law at this session after the necessary discussion.

I therefore, beg to move that the rules of business be suspended so as to allow the report of the Select Committee on the Mysore University Bill and the Bill as amended by them being taken into consideration at once.

Mr. D. M. Narasinga Rao.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I now beg to move that the report of the Select Committee on the Mysore University Bill and the Bill as amended by them may be taken into consideration at once.

At the last session of this Council on the 29th of June 1916 when the Bill to establish and incorporate a University in Mysore was read in Council, the absolute unanimity with which the motion was received and passed and the enthusiasm as

well as the keen interest with which the general question of establishing a University was discussed, embolden me to suppose that no apology is needed for the expedition with which the Government desire to bring this measure on to the Statute Book. I can only hope that whatever differences there may still exist in regard to minor matters of detail, the Bill as amended by the Select Committee will, subject to a few verbal amendments which I shall later on propose on behalf of Government for the acceptance of the Council, pass at this session without a single dissentient vote or note of discord.

Before discussing the provisions of the Bill and referring to the observations of the Select Committee so far as the amendments proposed by them are concerned, I think it is my duty to bring to the notice of the Council the main outlines of the Mysore University Scheme as originally published, the salient points in the report submitted to Government thereon by the University Committee and the material alterations that have been made in the final scheme as approved of by Government. I shall confine myself only to the points of difference.

The University course as prescribed in the draft scheme consisted of English and the vernaculars which were both to be compulsory throughout the three years' course and two optional subjects in Science and Arts and it was stated that a special feature of the University was that the study of the vernaculars will be cumpulsory throughout the course. I quote the following from the draft scheme:—

"The vernaculars for the present, will be Kanarese and Hindustani. Kanarese is the language of almost the whole population in the State, and it has been considered unnecessary for the present to include the sister languages of Telugu and Tamil, though they are spoken by large number. If found necessary, they will be introduced later on. Hindustani has been added for the benefit of Mahomedan students who usually prefer it to Kanarese."

As regards the transition period, in 1916, students of the Junior Intermediate class (to be abolished) were to be given the option of joining the first year's Mysore University course. The first year Mysore University class was therefore proposed to be opened. The Senior Intermediate as well as the two B. A. classes of the Madras University were to be maintained. In 1917, the Senior Intermediate class and the Junior B. A. were to be abolished, 2nd year Mysore University class was to be opened and after July 1918 when the transition period would be over, the Senior Intermediate and the B. A. classes of the Madras University would cease to exist.

The draft indicated that for determining the constitution, a Regulation would be passed, that the University would, as far as possible, be an independent corporate body and that the administration of its affairs was to be left in the hands of its Council and the Senate; that the Professors were to have a very large share in the government of the University together with a certain amount of outside influence; the Vice-Chancellor was to be, in the executive charge of the University, nominated by the Chancellor and *ex-officio* Chairman of the Council and the Senate. The Council was to have cognizance of all academic and financial matters and the Senate was to be an advisory and legislative body; the members of the Senate were to be appointed by the Government in the first instance but eventually one-third were to be nominated, one-third elected and the remaining one-third elected by the registered graduates. The members of the Senate were to hold office for three years.

In framing the draft scheme, the Government had, after mature consideration of the several important principles involved and the advice tendered by the Government of India, decided upon the appointment of a Vice-Chancellor who would be able to devote his whole time to its interests. It was also intended that the Council and the Senate should have a constitution affording a simple machinery, the former being the executive body and the latter merely the advisory body.

When the Government on the 1st of April last appointed a Committee to make all the necessary arrangements for the purpose of starting a University on the 1st of July, they instructed the Committee to keep to the main lines of the scheme as indicated in the draft, to fill up all details and suggest all the necessary measures required to bring the scheme into operation on the appointed date. The President of the Committee was Rajamantrapravina Mr. H. V. Nanjundayya, C.I.E., and the members were (1) Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti,

(2) Rao Bahadur Mr. M. Shama Rao, (3) Mr. J. G. Tait, (4) Mr. T. Denham, and (5) Mr. V. Rangaswami Iyengar, with Mr. N. S. Subba Rao as Secretary. The Committee submitted their report on the 10th of June and it is perhaps desirable that I should refer to some of their conclusions and recommendations chiefly in respect of matters regarding the courses, constitution and the transition arrangements.

As regards the University Entrance class, the Committee pointed out that there were temporary difficulties which prevent the scheme from being carried out in full and as a result of their investigations they recommended certain minor modifications which restricted the opening of the classes to Bangalore, Mysore, Tumkur and Shimoga. The Committee also recommended a revision and simplification of the grouping of optional subjects and their recommendation on the point was accepted by Government in their Order dated the 24th June last.

For the transition period they recommended that the Junior B. A. of the Madras University need not be continued as the Intermediate examination marks a definite stage in the Madras University course and they suggested the opening of the first year Mysore University class, the continuation of the Senior Intermediate and the Senior B. A., Madras University classes and it was indicated in the Committee's report that those who pass the Junior Intermediate should have the option of going into the first year Mysore University class. In the final scheme, however, the Government have accepted these recommendations partly and have deferred opening the first year Mysore University class and decided to retain the Junior Intermediate class of the Madras University for the benefit of those intending to pursue Law, Engineering, or Medicine as a recognition of the Mysore University Degrees has not been definitely obtained. In other respects the University Committee's recommendations have been accepted and the admission of those who have passed the Intermediate examination of the Madras University to the second year Mysore University class has been sanctioned. It is understood that out of the 52 students that passed the Intermediate examination, 30 have been so admitted into the second year Mysore University classes.

From the questions raised at the last meeting of the Council by some of the members it is evident that some misapprehension exists as to the transition arrangements and if this has not been already removed by the lucid explanation given by Dewan Bahadur Mr. Chakravarti during the last debate, I should be glad if questions are put at this debate so that I may deal with them in my concluding remarks, if necessary.

As regards the special character of the draft scheme regarding the vernaculars I think it necessary to lay before the Council, the following extract from the report of the University Committee to show the main considerations which have induced Government to make the change:

"One of the important questions that came up for consideration was the place that should be given to other languages such as Sanskrit, Tamil, and Telugu in the scheme. The original intention was to have only Kannada and Hindustani as compulsory languages. Kannada being the language of the State it was considered that all those who pass through the University should be able to write it correctly and in good style. Persons resident in Mysore whose vernacular happens to be either Tamil or Telugu almost invariably learn to read and write Kannada and in many cases, they use their vernacular only for conversation in the family circle. The Mussalmans of the State, however, do not take this course and study Hindustani by preference. It was on these grounds that only these two languages were included. But many representations have been received that Tamil and Telugu should not be excluded, as such exclusion would be a great hardship to many students who have taken those languages for their school course, and would moreover shut out outside students almost completely.

"Many representations were received in favour of recognising Sanskrit to a larger extent. According to the original scheme, Sanskrit could be taken up only as one of the two Optional subjects, and provision would be made for it only in the Mysore College. It is complained that this course would almost extinguish Sanskrit studies in the Mysore University in the same way as in Madras after the recent changes.

"Lastly, it has been represented that the obligation to study Sanskrit or Kannada would work as a hardship on those who use English as their mother tongue, and that it would be a useful departure to allow the option of substituting French.

"These views seem to the Committee to have much weight; and so the Committee unanimously recommend that under the compulsory group of subjects, a second language be prescribed as was the case in Madras formerly, and the students be given the option of taking any one of the following languages Kannada, Tamil, Telugu, Hindustani, French, Sanskrit and Persian. The courses in Sanskrit and Persian as compulsory second languages will be lower than the courses in these languages in the optional group. Further, when either of them is selected as an optional subject, some other language should be taken as the second language. The Committee do not consider it sufficient to prescribe only composition in a vernacular language, as without studying books, a student does not usually attain any proficiency in composition. The Committee would also point out that so far as Kannada is concerned, a certain amount of Sanskrit is as necessary as a study of classical Kannada works to understand the language properly."

In accepting these recommendations in this matter, the Government do not consider their decision as a settled fact. In reply to an interpellation at the last meeting by Mr. B. Narasinga Rao on the subject of this very modification, the Government said that the change had to be made to meet the needs of candidates who had already taken up vernaculars other than Kannada and that the question would be examined once more.

Mr. Narasinga Rao has attached a note to the report of the Select Committee on this subject and as he says that he is not aware of the circumstances which forced such a change of spirit in the mind of the Government and as he complains that the recommendation of the Committee has not been made available to the public, I make no apology for giving the above extract.

On the general aspect of this somewhat controversial question it may be interesting to this Council to know that although there is a very large volume of opinion in favour of making only Kannada compulsory in the University course, very strong representations have been submitted both to the Committee as well as to the Government from many influential quarters amongst the subjects of His Highness the Maharaja urging a modification in this respect. According to the last Census report, the Kannada speaking population of the Mysore State is 4,141,939 and the other languages are represented by 1,548,466 of which the total Telugu speaking population comes to 902,803. Tamil and Telugu have been included in the curriculum of the Mysore Secondary School Leaving Certificate examination and unless the whole curriculum for such a certificate from the lower standards is modified and made exclusive in favour of Kannada, it is difficult to see how right at the top for the University course Kannada alone can be made compulsory without providing for the language requirements of over a million and a half, of the population of the State. It must therefore be admitted that considerable difficulties exist in regard to the solution of the matter and however sympathetic the Government may be towards the desire to see the Kannada developed as the national language of the State as urged by Mr. Narasinga Rao, the Government have found it necessary to be fair and just at the very beginning and to make such arrangements as would create no immediate difficulties and a general disturbance in the vernacular curricula of the State. It is indeed very gratifying that movements such as the Karnataka Sahitya Parishad are taking vigorous and active steps for the development of the Kannada language and literature and for bringing into existence a sufficiently large number of suitable text-books on literary scientific and historical subjects; for instance, only the other day practical measures were taken by the Parishad to publish up-to-date general text-books in science and history and masterpieces of the ancient and modern authors. At present it cannot be said that there is in Kannada a large body of literature either scientific or literary to form the substance for higher University studies. It was only yesterday that I read in a local paper a review of an elementary text-book on Physiology and another Kannada work called Arthasadhana. These are indeed most encouraging signs of the times. When this movement spreads and its activities produce tangible results it may be easy to make Kannada compulsory as a

second language in all the stages of education making special provision for the Tamil, Telugu and Hindustani speaking population. But it will be obviously unjust as well as unfair to the latter classes to exclude them altogether in any scheme of University education all of a sudden and after all, it must be conceded that making Kannada language compulsory in the University course is not the only step necessary to increase a patriotic spirit and a national solidarity amongst the Kannada speaking population. I venture to say I cannot find the exclusive spirit, however, patriotic, as being one of the "precious principles of modern University education" to quote Mr. Narasinga Rao's words, anywhere else. A writer in a local paper recently quoted the instance of Bengal as having made wonderful strides in national solidarity through the medium of its vernacular. There, the Bengali literature owed its impetus to the genius and scholarship of the father and pioneer of that literature—the great social, religious and educational reformer, Raja Ram Mohan Roy—nearly a century ago, and in referring to the remarkable development of that literature during the past 50 or 60 years, I am only quoting an instance which goes to show that any artificial arrangement such as making the vernacular language of the Province compulsory in the University course is not an essential element in a scheme for the development of that language and that its exclusion from the list of compulsory subjects of University Studies does not cause any injury to it as the national language or cause its hold on the people to be weakened as is feared by Mr. Narasinga Rao. We may also perhaps consider the position the English language has had in the oldest Universities of Oxford and Cambridge. In Bengal the first attempt made in Oriental scholarship was the establishment of a Sanskrit Hindu College in 1824 and Bengali literature developed there in rapid strides without the assistance of compulsion. Bengal has produced authors of world-wide reputation like Bunkim Chatterjee and Rabendranath Tagore. The new Matriculation examination was introduced in the Calcutta University only six years ago and vernacular composition (not necessarily Bengali) was made compulsory in the Matriculation and Higher examinations since then. For about 10 or 12 years previous to that there was *optional* vernacular composition up to the B. A. Before that vernacular composition was compulsory in the Entrance examination but there was no vernacular in the higher examinations except in the F. A. for female candidates. There has all along been (and still is) separate provision for those whose mother tongue is not any Indian vernacular. Vernacular composition is not compulsory for them. I am obliged to Mr. Chakravarti for this information.

The Council will therefore see that to the "Kannada must be compulsory" cry here there is no parallel in the history of the Calcutta University. That University has never intended to make Bengali compulsory for all. It has all along made provision for those whose mother tongue is not Bengali. I think there is every hope that the place Kannada has been given in the University course of study will far from causing its force as a national language being diminished, will as time goes on give it a firmer footing amongst the educated classes of the Kannada speaking population.

Turning again to the several representations that have been made on the subject, it is apparent that there is no unanimity in the opinions expressed; for whereas some advocate a comparative and co-ordinate study of the Dravidian languages there are others who are anxious to place Sanskrit in a more important position on the ground that it is the mother and the source of inspiration of all the vernaculars of India. The Mysore Education Union for instance, resolved that a Classical language be made alternative with a vernacular and a copy of this resolution was submitted to Government by our friend Mr. M. Venkatakrishnaiya who is the Vice-President of the Union and a member of this Council. Perhaps it will interest the Council also to know that although Mr. Venkatakrishnaiya has subscribed to the note of Mr. B. Narasinga Rao attached to the Select Committee's report, I find no reference to the language question in the views with which he favoured Government regarding the general scheme of the University. It has also been represented that Kannada cannot develop without the help of Sanskrit and that it is therefore necessary to make the study of Sanskrit obligatory from the commencement of the education of all Hindus. Another representation suggested that the State language should be imposed on every Mysorean irrespective of caste, creed or religion. The citizens of Bangalore at a public meeting resolved that the

students who desire to take Sanskrit instead of Kannada should be given reasonable facilities so that Sanskrit might be an alternative compulsory language. Some others urge that Kannada would be nowhere if it is dissociated from Sanskrit and that therefore Sanskrit should form part of the course of instruction in Kannada. One public body has represented that in view of the historical relationship between Kannada and Telugu, Telugu language and literature should be included in the University curriculum.

Mr. Karnick Krishnamurti Rao, one of the members of this Council during his remarks on this Bill at the last meeting, suggested that Kannada being the vernacular of the country should be made compulsory for all students that enter the University. He has, however, in his written communication to Government embodying his views on the scheme suggested that Kannada, Telugu, Hindustani, Persian and Sanskrit should all be introduced as optional subjects provided that those who take up a second language other than Kannada should also study the elements of Kannada. He also added that those who study higher Kannada should also study elementary Sanskrit. And he very pertinently remarked that an elementary knowledge of Sanskrit is necessary when foreign ideas are introduced into the vernacular. The Mysore Book Club recommended Telugu as fit for inclusion amongst the vernaculars with the reservation that the candidates taking a vernacular other than Kannada should be required to undergo an examination in Kannada composition and translation. I may add that our friend Mr. Venkatakrishnaiya again figures here as the President of the Committee which submitted this resolution. I may also quote the opinion of Mr. B. Ramakrishna Rao who may be considered to be entitled to speak with some authority on the subject. The representation that he submitted to Government is couched in the following words. "The main source of help of so many Indian vernaculars is the Imperial Sanskrit language. This is regarded as their mother-tongue and the interests of Kannada and Telugu are very much bound up with it; a good many Sanskrit words are found indispensable also in popular Tamil. Our vernaculars prosper in direct proportion to the knowledge of Sanskrit possessed by those that speak and write in them. The foregoing considerations point emphatically to the need for including Sanskrit and Telugu if not Tamil also as optional languages in our University course."

Lastly, I may be permitted to mention the fact that Mr. B. Narasinga Rao himself in his communication to Government on the University scheme has made no reference to the language question. It may be that he entirely approved of the original draft scheme so far as this matter went but the enthusiasm with which he has taken up the cause of Kannada might perhaps have found some expression in that communication.

I have taken the liberty to refer to some of the opinions and representations on the subject to show that there are two sides to this question and I think a calm and impartial reflection on the main points and the difficulties involved will show that the present decision of Government is under the circumstances the only possible one to adopt. As already stated, the Government have still an open mind and they don't consider that their decision is a settled fact. It will no doubt be left to the University authorities to reconsider the matter at a subsequent stage when it becomes ripe for such re-consideration; but the Government hold that the present arrangements at all events do not in any way militate against Mr. Narasinga Rao's ideal—with which they have every sympathy—for the interests of the Kannada speaking population are perfectly safeguarded and no inducement is offered to them to follow any other course than Kannada.

I need not detain the Council with any detailed reference to the changes that have taken place in the final scheme as approved by Government so far as the constitution of the University is concerned. The original outlines have, in the main, been adhered to except that the relative position of the Senate and the Council has been more precisely defined; the number of members to be appointed by selction has been definitely fixed so far as the different bodies entitled to enjoy the privilege are concerned. It is to be admitted that in certain quarters there is a sense of disappointment that the representation allowed to the general educated community is not as large as may be expected and that the independence of the University which is referred to in the original draft scheme is not as substantial as therein indicated but it is only necessary to point out that out of a minimum of

40 members, 18 are to be appointed by election and adding to that figure the 9 Councillors and the University Professors who must necessarily be members of the Senate and who will at any time not count less than a dozen, the scope for nomination reduces itself almost to nothing unless the maximum of 60 is resorted to.

In now presenting to this Council the report of the Select Committee which has given detailed explanation for the amendments that have been proposed in the body of this Bill, I need refer only to the main considerations of policy that have influenced them in making those amendments. I leave alone verbal changes or other additions which have been necessitated to make the Bill complete in itself and free from inconsistencies and ambiguity. The original clause 7 which is now clause 9 provides that the members of the Senate appointed by Government should hold office for a term of one year after the lapse of which, the Senate shall consist of the members of the Council, the University Professors, 18 elected as provided in sub-clause (c) and the remaining nominated by the Chancellor. The section as amended will, I hope, be considered as distinct improvement over the original draft. As regards the conferment of honorary degrees and cancellation of degrees, etc., the Select Committee are decidedly of opinion that the recommendation in all such cases should be supported by a large majority of the Council and they have amended the section accordingly. So far as finance and control are concerned, the Select Committee have proposed that the budget should be considered by the Senate before submission to Government and so far as the special powers of Government provided in new section 20 are concerned, they have proposed that the Government may exercise such powers as may be necessary to give effect to their instructions. One very important amplification so far as the constituent Colleges are concerned has been made in the old section 14, new section 15, to the effect that all properties, both moveable and immoveable attached to such constituent Colleges shall vest in the University.

Lastly, I would point out that the two schedules have been eliminated from the Bill and all reference to the schedules has been omitted. The first schedule was considered unnecessary as the Select Committee were of opinion that the appointments might be notified in the Gazette by Government and as regards the second schedule containing the Ordinances and detailed provision regarding courses of study, rules of business, etc., the Select Committee consider that they are of a far too technical and detailed character to admit of being embodied in a legislative measure. They have suggested that the first Ordinances embodying the general scheme of the University as approved by Government may be issued in the official Gazette under section 21 (3) of the amended Bill. These Ordinances will for the most part be as those originally published with the Draft Bill subject to such verbal changes as may be necessitated as a consequence of the amendment made by the Select Committee, and I am to give a general assurance that they are not final and any changes necessary as to details may be considered by the University authorities and submitted to Government in due course for sanction.

With the above observations, I now beg to move that the report of the Select Committee together with the Bill as amended by them be taken into consideration at once.

Mr. D. M. Narasinga Rao.—SIR,—I beg to second the motion that the report of the Select Committee together with the Bill as amended be taken into consideration, with the following observations:—

The Select Committee have amended 19 sections out of 23, the total number of sections contained in the original Bill. About sixty-six amendments have in all been made by the Select Committee, of which 52 are verbal and 14 substantial. The latter relate to 13 sections. All these have been referred to in the report of the Select Committee and also the learned speech of the First member. My observations will be confined to the general features of the constitution of the University.

The first point to which I wish to draw attention is the position of the Chancellor in our University Scheme. Under Section 7, His Highness the Maharaja is the Chancellor of the University and the highest controlling authority. Provision for certain specific powers of the Chancellor has also been made in this and five other sections following, *viz.*, 9, 10, 12, 14 and 15. The Chancellor may direct inspection of the University institutions, annul any proceeding of the

University which is not, in his opinion, in conformity with the Regulation or the Ordinances and may appoint a Pro-Chancellor to whom he can delegate any of his powers and functions (section 7).

The Chancellor may fix the strength of the Senate between 40 and 60, nominate a certain number of Fellows, approve the election of Fellows and cancel the appointment of a Fellow on the representation of the Senate (section 9).

The Chancellor may also appoint a certain number of the members of the University Council (section 10).

The Chancellor may appoint or remove a Vice-Chancellor at his pleasure and preside over the Convocation and confer degrees (section 12).

The Chancellor may under certain circumstances confirm the conferment and cancellation of honorary degrees on the representation of the Senate (sections 14 and 15).

Almost all these powers ordinarily appertain to the position of Head of the University. In one important respect, however the relation of the Chancellor to the Mysore University is exceptional. He is *not* a Member of the Body Corporate, as is generally the case in other Universities. This distinction is necessary. Because constitutionally, His Highness the Maharaja is the Government of Mysore, and is also above Courts of law whereas the Body Corporate of the University is liable to be sued in the ordinary courts under clause 2 of section 4.

The status of the Chancellor as defined in the Bill secures for the University a close association with the Ruler of the State, an advantage which no other University has the distinction to possess.

The Senate with the Council and the Vice Chancellor is the Body Corporate of the University: (section 4) and it can hold and dispose of any property and also do all other acts incidental or appertaining to a body corporate for the purpose of the University.

Its responsibility consists of the entire charge of the organization of instruction in the University and the constituent Colleges, the curriculum and the examination and the discipline of students and the conferment of ordinary and honorary degrees (section 9). The minimum strength of the Senate is 40 and the maximum 60, 18 Fellows being elected, 6 by the Senate, 6 by the Registered Graduates and 6 by the Faculties (section 9); the majority of Fellows being persons connected with education or following the profession of education.

The Senate possesses certain other statutory powers, *viz.*, to institute and confer such degrees and grant such diplomas, etc., as may be prescribed by the Ordinances (section 13); to consider the University Budget (section 18); to frame Ordinances (section 21) and also to make subsidiary rules for conduct of business (section 23).

A few remarks regarding the position of the Senate in some other Universities will perhaps facilitate a determination of the precise status assigned to the Senate in the draft Regulation.

The Senate of the London University furnishes a type of the strongest body. Because it is the academic, legislative, executive and supreme governing body of the University.

In the British Indian Universities, the syndicate constitutes the executive authority of the University, the Senate retaining the other three characteristics of the London University.

In the Hongkong and Benares Universities, the Senate is a mere academic body, while the Court is the legislative and supreme governing body of the University exercising control over the Senate through its executive agent, *viz.*, the Council. In the Benares Hindu University, the Senate is a deliberative body even in academic matters, its executive agent being the Syndicate, whereas the Senate in the Hongkong University also exercises executive powers in academic matters.

Our Senate is a legislative body like that of the London and British Indian Universities and unlike that of the Hongkong and the Benares Hindu Universities. It is an academic body like the Senate of all the Universities referred to. In

academic matters, it is also the supreme governing body of the University as it has the entire charge of the organization of instruction in the University under section 9. But its functions like those of the Senate of the British Indian Universities and of the Benares Hindu University are deliberative.

Our Senate with the Council and Vice-Chancellor also forms the body Corporate of the University like the Senate of the British Indian Universities for instance. But unlike them, it is not expressly declared to have the entire management of and superintendence over the affairs and concerns of the University.

So much concerning the character of the Senate. A few remarks will now be offered regarding the extent of elective element in its constitution.

Election by registered graduates is not provided for in the Hongkong Act; in the Punjab and Allahabad University Acts 10 out of either 40 (minimum) or 75 (maximum) members may be elected by the Senate or by registered graduates; in Calcutta, Bombay and Madras Universities 10 out of either 50 (minimum) or 100 (maximum) members, in the Benares University 5 out of 50 or more members and in London University 16 out of 54 members may be elected by the registered graduates. The University Commission recommended that election by graduates might be permitted up to a limit of 10 per cent. In view of these provisions, election of 6 graduates allowed by sectien 9 of the Mysore University Regulation does not appear to be inadequate.

The Senate itself has the power of electing 10 members in the Benares Hindu University, and 10 in the Panjab and Allahabad Universities if none is elected by registered graduates, as against 6 in Mysore. There is no provision for election by the Senate in the other Universities referred to.

In the Hongkong and Benarés Hindu University Acts no provision is made for election by Faculties. On an average, 2 per each Faculty in the London University 2·5 in Madras, one in Allahabad and one in the Punjab can be elected by the Faculties, as against three in Mysore.

These remarks serve to illustrate that Mysore does not stand behind other Universities in making adequate provision for election of Fellows.

Subject to certain restrictions, the executive Government of the University is vested in the University Council (section 10). It has the power of initiating budget (section 18) and also Ordinances (section 21). It can frame subsidiary rules for the conduct of its business (section 23). And it is responsible to Government for furnishing explanations in matters referred to the Council under section 20 and to give due effect to such instructions as the Government may communicate to the Council.

The relation of the Council to the Senate is somewhat different from that subsisting in the British Indian Universities. The Syndicate in the latter is constituted an executive body on behalf of and under the general control of the Senate in all departments of the University. This is legally inevitable as in the Acts relating to the British Indian Universities the Senate or the Body Corporate can exercise all powers vested in the Council, etc., in their corporate capacity, and it is also invested with entire management of and superintendence over the affairs, concerns and property of the University. In the draft Regulation before us these provisions do not exist. But the Council is to administer the properties of the University, of which the Senate with the Council and Vice-Chancellor is the full owner as the body corporate. The Council is likewise to discharge the executive functions of the University in the department of academics, the entire charge of which is committed to the Senate. In matters, however, falling outside these two spheres, *viz.*, property and academics the position of the Council will depend upon the provisions which from time to time may be made in the Ordinances.

The status, powers and duties of the Vice-Chancellor are not generally referred to in the Acts, but are defined in the Statutes and Ordinances. *Vide* the Indian and the Benares Hindu University Acts. With a view to ensure a prominent position to the Vice-Chancellor, a different plan has been pursued here. Section 12 provides that "the Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be *ex-officio* Chairman of the Senate and the Council. He shall be the principal executive and academic officer of the Senate and the Council and shall, in the absence of the Chancellor and the

Pro-Chancellor, preside over the Convocation and confer degrees, and shall perform such functions and exercise such powers as the Senate and Council may authorize him in this behalf."

With the exception of the last clause, this section closely follows Clause 1 of Statute 9, Schedule I of the Benares Hindu University Act. The last clause was modelled upon section 8 in the Hongkong University Act according to which the Vice-Chancellor "shall have such powers and duties as the Council shall assign to him".

Section 12 is supplemented by draft Ordinances 24 to 26 already published, which confer on the Vice-Chancellor more comprehensive functions than those comprised in clauses 2 to 4 of the Statute 9, Schedule I of the Benares Hindu University Act, referred to above.

As the Vice-Chancellor has been declared in the Regulation to be the principal executive and academic officer of the Unversity, his powers and duties of an executive nature may be regulated by the Ordinances from time to time according to necessities.

Certain powers are reserved by Government for themselves in the Regulation, *viz.*,—

(i) To appoint and notify the first Fellows: (section 4) and to issue the first Ordinances.

(ii) To fill up casual vacancy among such Fellows: (section 9).

(iii) To frame rules reserving to themselves such powers relating to the appointment, punishment, removal and leave of the officers mentioned in section 22: (section 10).

(iv) To sanction the budget with or without modifications: (section 18).

(v) To direct audit by auditors appointed by Government: (section 19).

(vi) To call for explanation from the Council in any matter, to issue such instructions as appear to them to be necessary in the event of the explanation being unsatisfactory in their opinion and to exercise such powers as may be necessary for giving effect to those instructions: (section 20).

(vii) To sanction, disallow or remit for further consideration all new Ordinances and additions to the Ordinances and all amendments and repeals of the Ordinances, proposed by the Senate: (section 21).

As there is an impression in some quarters that Government have reserved very large powers to themselves, some remarks on this head may not be out of place here.

The first power, *viz.*, the appointment of the first Fellows must be exercised by Government in order to bring the body corporate into existence. As such a body can be created only by law and as the power of enacting law vests only in Government, the first appointment of Fellows by Government is unavoidable. It is proposed to issue the first Ordinances as a matter of administrative convenience, as in the case the of the Benares and the Hongkong Universities.

The second power, *viz.*, the filling up of casual vacancies among the first Fellows follows from the primary power and also from the transitional character of the first personnel of the Senate.

The third power, *viz.*, the regulation of patronage by Government is necessary in the interests of the University itself. The officers who will shortly become the University officers under the Regulations are all Government officers and it is proposed under section 22 to secure to them their present status and capacity and to make employment under the University attractive by attaching to it all the benefit of Government service. Considerations of efficiency and continuity of policy no less than the obligation of Government to bear the charges of the services demand that this power should be taken.

The fourth and fifth powers relating to budget and audit of accounts go together. The Acts of Incorporation of the Universities of Madras, Bombay and Calcutta, 1857, provide that "the accounts of income and expenditure of the University shall once every year be submitted for such examination and audit as the

Governor in Council may direct" and the Allahabad and the Punjab University Acts have enacted similarly, notwithstanding the important circumstance that these British Indian Universities have funds and properties of their own.

The Mysore University stands in a very unique position in respect of properties and funds. The first properties to vest in the University are the movable and immovable properties attached to the Central College, Bangalore and the Maharaja's College, Mysore, which belong to the Government: (section 16). For a long time to come the capital and recurring charges of the University, which will be very considerable, have to be borne by Government who have laid on themselves the obligation of making grants to the University: (section 17)

These powers are therefore necessary at all events for the present.

The clause providing for the sixth power is borrowed, *viz.*, to call for explanation from and to give instructions to the Council from the Hindu University Act (section 19) and the Select Committee have inserted a suitable provision ensuring the due carrying out of the instructions issued by Government under section 20 of the draft Regulation.

In the Allahabad and the Punjab University Acts, section 19, similar power is reserved on behalf of the Local Governments who may exercise all powers necessary for giving effect to their requisitions that the proceedings of the University shall be in conformity with the Act, Statutes, Rules and Regulations for the time being. But there is no statutory obligation on the part of the Local Governments, as in the draft Regulation before us, to hear the University beforehand.

The Hongkong University Act provides for very extensive powers of veto by the Governor in Council who "may at all times exercise a power of veto if he should disapprove of any decision of the Court of the University on the grounds that the interests of the Colony would be injudiciously affected, or that the proposal is *ultra vires* or unconstitutional, or for other good cause".

In view of these circumstances and the responsibility of Government in the matter of higher education, the power of veto provided for in section 20 seems essential.

The last power of sanctioning Ordinances is usually reserved for Governments in the University Acts. It is found in the Acts relating to the London, Hongkong, Indian and Benares Hindu Universities for instance. It may also be noted that it is not proposed to take under section 21 the power of modifying the Ordinances.

It will thus be seen that some of the powers reserved for Government are based on the general policy underlying the University Acts referred to with the exception of the London University Act and that the other powers are rendered necessary owing to the very exceptional character of our University.

Mr. C. Narasimhaiya.—SIR,—I beg to support the Bill as amended by the Select Committee but in doing so I beg permission to dwell on a few points.

I am very much disappointed to see that the Ordinances have been removed from the Bill and that they are to be separately published by Government. The reasons given for this step apply only to the provisions regarding the scheme of study and rules of business and not to other matters which this Council should have had the opportunity to discuss. However, I would urge that this portion be separated and form part of the Bill and be published with the Bill after going through the Select Committee stage. If this be found impossible, I hope Government will publish the Ordinances only after giving the public sufficient time to express their views in detail and taking them into sympathetic consideration.

Mr. M. Chengiah Chetty.—SIR,—According to Mr. B. Narasinga Rao, if mass education, scientific advancement, improved agriculture, industrial avocations should progress in Mysore, Kannada must be made a compulsory language in the State. He would restrict the student to inspirations provided by Kanarese literature and erect a Chinese wall against the intrusions of not only of the classical languages but also of the sister Dravidian languages, the reason being that Kannada is the dominant language of the people. This contention betrays a lack of information regarding the position occupied by the languages other than Kannada in Mysore

and also a total ignorance of the forces that make for richness and variety in modern languages.

Telugu is not a negligible language in Mysore. It has been estimated that 22 per cent of the population in Mysore speak Telugu and the area of the country occupied by them is over six thousand square miles. The proportion of Telugu speaking people as a whole is approximately equivalent to that borne by the Mahomedans as against Hindus in India (66 millions in a total of 315 millions) and I have never heard it said that Mahomedans are a negligible community in India. Apart from the fact that the Telugu speaking people are overspread over the whole State there are localities where they are numerically larger than their Kanarese speaking brethern. In the Kolar District, 3 people speak Telugu for every 1 speaking Kanarese. I should invite this fact to the attention of my friend who seems to think that Kanarese is spoken everywhere else but in the domestic circles. This argument seems to be taken from the fact that Kanarese is the language of the Courts. It is well known that the language of the Court has not always been the dominant language of the people. Was not Mahratta once the language of the Courts in Mysore?

The contention that to develop the Kanarese people you must restrict them to the Kanarese language is so far fetched that the statement carries its own refutation. It is well known that within the last few centuries, no language has overspread the world so much as English. English owes its commanding position, because, it is a reflection of the personality of the English nation. The ideal of this nation for centuries past being freedom in thought and action. Their language which is an expression of this ideal has truly opened its arms to the influences of every language in the world and this is the reason for its commanding position to-day. I shall quote a few words on this subject from Prof. Maye.

"English is so peculiarly rich in most of its branches. Thus, in its vocabulary, men have enriched it from almost every conceivable source. It comprises a larger number of words than does any other nation, for it absorbs terms from the past as well as creations of the present that it is busy working out the future; it shows readily hospitality to aliens, whether they hail from languages living or dead, which it presses to remain till they are naturalised and no longer are noticeable or in any way distinguished by a stranger garb."

"In spite, however, of what might be termed its heterogeneous nature, English has a consistency in itself and a character as distinctly defined as that of the most conservative, ultra-conservative might perhaps be said, language imaginable. The diverse elements have been so well digested that they have in nowise wrought havoc in the harmony of the whole. Traced from Teutonic (or Germanic) branch of the great Aryan family, and passing through the stages of, old English, Scandinavian, French, Latin, and Greek influences, to name only the most outstanding, the process will be found to possess a singular unity, testifying to that name *Sprachgefuhl* which in the individual is marked by a preference to certain words and expressions with a timely discriminating sense of their fitness on occassion. English idiom is a mighty factor and where words and phrases have been borrowed they have, with few exceptions, been converted so intimately into English idiom has to become an ingredient unobtrusive, yet essential, because of thorough blending in the compound."

If we restrict the Mysore youths to the Kanarese language, we put aside all the influences that the progress of civilization has brought within our reach and shall for ever dwarf their intellectual capacities.

Mr. B. Narasinga Rao.—SIR,—As my friend Mr. Narasimhaiya has said, when the original Bill was placed before the Council, two schedules had been appended to it, one regarding the nomination of officers of the University and the other regarding the Ordinances. Both these schedules were decided to be omitted in the Select Committee. As the First Member just remarked, most part of the Ordinances was considered too technical for consideration by the Legislative body and was left to be considered by the expert body of the Senate. But I think, leaving apart certain technical details, there were certain general rules for the guidance of the Senate and also certain important factors such as language branch,

and system of examination by compartments and these could very well have been considered by the Select Committee without the aid of the professional body. However, since it was decided by the majority of the members of the Select Committee that the first Ordinances should be communicated to the Senate by the Government under a notification, practically the Select Committee deprived themselves of the opportunity of considering them and of giving tangible suggestions to the Government. The first point for consideration in the Select Committee should have been the Ordinances. When we take into consideration the reply given to my interpellation with regard to the question of making Kannada compulsory, *viz.*, that other languages than Kannada had to be brought in to meet the needs of the students who had already taken other languages as their Vernacular—and take also into consideration what the First Member just now said, that the Government had an open mind on the question, it was quite open to the Select Committee to deal with this point particularly as the language question forms part of the Ordinances. Though the Government presented an opportunity to the Select Committee, this Committee did not want to consider the matter. However, from the speech of the First Member it is clear that he fully sympathises with my view so far as making Kannada compulsory goes, and he assures us that the question would not be considered as a settled fact but that the Government has an open mind to consider this later on.

If this Council is of opinion that it is unnecessary to ask the Select Committee to reconsider such portions of the Ordinance as have got a material bearing on the two questions mentioned by me leaving the other technical portions to the expert body and if the Council decides that the first Ordinances should be those issued by Government then I hope that the Government will be pleased to publish the draft Ordinance and after giving sometime to the public to offer criticisms or suggestions the approved Ordinance may be issued for the guidance of the University Council and the Senate.

So far as making Kannada compulsory is concerned, at the first reading of the Bill, I gave my reasons why Kannada should be made a compulsory language. I have also added my reasons to the note I appended to the report of the Select Committee. With regard to the defence put forward by my friend Mr. Chengiah Chetty with regard to the Telugu language and other languages, all that he says is that Telugu is spoken in one District, Kolar, and that it cannot be said that Kannada is the only spoken language everywhere in the State. For my part, I have conceded that position and said that the languages other than Kannada are more or less confined only to domestic circles and for all other practical purposes Kannada is the State language. Mr. Chengiah Chetty himself who is a Telugu gentleman cannot say that he does not carry on a major portion of his correspondence in Kannada. I merely say that the language which has the highest hold upon the largest population of Mysore is Kannada and the University being in a Karnataka country Kannada should have a prominent place in the curriculum of the University.

Another objection I have to urge with regard to the Ordinances which are proposed to be issued by Government is this. Ordinance 56 states "in case candidates who have failed to pass the examination, the Council shall have power to exempt them from submitting themselves to examination in divisions in which they have obtained not less than 60 per cent of marks in any examination for the B. A. degree held within two years previous to the date of application."

I pointedly wish to bring to the notice of this Council the importance of this provision as affecting the vital interests of the student population. In the general scheme of the Ordinances, there is no special provision for holding compartmental examinations. This itself is a hardship. In Ordinance 56 above quoted some sort of provision has been made, whereby power has been reserved to the University Council to exempt a candidate from appearing again in any branch in which he has secured 60 per cent of the marks. This means that only an option is given to the Council which they may or may not care to exercise. This option moreover is again restricted inasmuch as, the student may get the benefit thereof only if he appeared in the other branches within two years after passing the first. I ask whether this is not a hardship. Take the case of the Madras University. This University has got the system of compartmental examinations without any such

restriction as is proposed in our Regulations. It has got only two branches for the B.A.—English and Optional; while we have three—English, Vernacular and Optional. It is well known, that the examination standard of the Madras University is very high so much so that every newspaper has been commenting upon the inordinate number of failures year after year. In view of the recent raising of the examination standard in the Madras University our graduates have been going to Bombay instead of to Madras to study law. When such a stiff University with its very high standard has thought fit to have compartmental system, it passes comprehension why Mysore University should for Mysore students create this obstacle in the way of their progress. As it is, is it possible for every student to be sure of securing 60 per cent of the marks in any one branch? Thirty-five per cent is the ordinary standard. If the student is extraordinarily intelligent as to secure 60 per cent, I daresay, he will not have the fear of failing in other branches at all. I therefore submit that if the examination by compartments is not permitted in the Mysore University, the students will be placed in a worse position than they have been till now. If the compartmental system is introduced, the students will have an opportunity to specialize in any particular branch.

By denying this system, you are only compelling the candidates to undergo the strain of examinations all at one time without allowing him a chance to make a detailed study of any one branch. If this convenience is not permitted, I submit that the lot of students is not improved but on the other hand, more prohibition will be created in the progress of education. I therefore think that before finally deciding upon issuing the first Ordinance, this important fact may be fully and carefully considered by Government.

One word more with regard to language branch. I did not mean to object to Telugu, Tamil, etc., being taught in the schools. What I contend for is, that a student coming to the Mysore University and desiring to remain in Mysore, should have a fair knowledge of the language of the country, which he should be compelled to acquire in his University course.

With these remarks, I beg to heartily support the motion.

Mr. Ramaswamy Chetty.—SIR,—At the last meeting of this Council, the majority of members expressed their opinion in favour of the Kannada language not being made compulsory. I thought that the matter ended there so far as this Council was concerned. But I see that some members persist in their objection against the scheme published by Government. I therefore feel it my duty to answer some of these objections.

I wish to put one question to the learned objectors. It is contended that the less Kanarese is made compulsory, the more the interests of the country suffer, as if the Government in ordering the original draft scheme have made an attempt to supplant the Kanarese language and weaken its influence. Suppose for instance Kanarese boys are asked to take two compulsory subjects—not Kanarese alone but some other language along with it, such as Telugu and Tamil. Would they like that idea? Would they not naturally say that there should be no such compulsion? If so, how in fairness to the other candidates could the Government ask them to take up two subjects? Of course, if Kannada is made compulsory, they are bound to take it up. But the mother tongue of some of the boys may not be Kannada and such boys out of love to their own language and also perhaps by the force brought to bear on them by their parents, would not like to neglect their own mother tongue. They have one of two courses left open—either to take up their own language also in addition to Kannada or to give up their mother tongue altogether much against their will. Apparently the critics have lost sight of this fact altogether.

It is stated in the protest of Mr. Narasinga Rao that Government have brought about a change in the draft scheme originally published purely on account of the criticisms and "for sectional wishes and aspirations" and in doing so they have ignored "one of the most precious principles of modern University Education." He has also said that "it is easy to please a few but the price thereof cannot very well be ignored." He seems to think that Kannada people are not settlers at all. It is well that he should know that these people were also settlers, unless he thinks that they were aborigines. The Kannada people became settlers centuries ago but

still they were settlers just in the same way as others. I myself belong to a class of people who came to Mysore centuries ago. My ancestors have been in the country for centuries. It cannot be said that because I am not speaking Kannada as mother tongue, I am not a Mysorean. I am sure I can claim equality with the so-called original settlers of the country. There are many others like me, who have come to stay and not to go away, and they cannot be compelled to give up their own language because they are not Kannada people.

He says that the Government have ignored the main principles of University education by not making Kannada language compulsory and thus putting the language and literature into the background. Unless Mr. Narasinga Rao can prove that the Government have tried to discourage Kannada altogether I fail to appreciate the force of his argument. What is there in the arrangement that the Government have thought fit to make with reference to the formation of this University to justify the remark that in altering the original intentions of the Government in regard to the question of making Kannada compulsory to the exclusion of other languages, the Government have made a concession to the favoured few as he calls the other classes whose mother tongue is not Kannada? I may also be permitted to point out that the gratuitous remark that he has made in his note of protest saying that "gratuitous critics whose sole qualification is the ignorance of the Kannada language, may say that it is not rich in diction or thought" was quite unnecessary and has no bearing on the question at issue. Kannada may be equal to other languages in diction or it may even be superior to them. The only point directly concerned is that the other languages, Telugu and Tamil are also spoken by important sections of the people and that they should not be ignored.

He goes on to say "Mass education, scientific advancement, improved agriculture, industrial avocations, general sanitation....." these suffer if Kannada is not made compulsory. I fail to see the force of this argument. He adds that the *alumni* of the University in their many walks of life will not take interest in the national work—they will not do substantial work in the country—if Kanarese is not made compulsory. This argument falls to the ground when we remember that the majority of the boys on his own showing are Kannada boys and their interest will be to take up Kanarese and no other. The other class boys form the minority and will not interfere with the work that the learned member wants the Kannada boys to take up. Moreover, many of these boys who form the minority, by reason of the long stay in the country have acquired a colloquial knowledge of Kannada and for all practical purposes they may be considered to have a sufficient knowledge of that language. I fail to see how even these will not take interest in the welfare of their country; and I do not also understand how mass education, improvement of agriculture, industrial avocation, general sanitation, etc., suffer if Kannda is not made compulsory. Again, I strongly protest against the language used by Mr. Narasinga Rao when he calls the Kanarese people "unfortunate many" and the other classes who speak other than Kanarese "fortunate few." I don't see any difference between the so-called settlers and the so-called original Kanarese people. In political advantages and disadvantages, in loyalty and in fact in everything they are equal. What advantages Mr. Narasinga Rao fancies the settlers are enjoying in his opinion which are denied to the "unfortunate many" it is not easy to understand. I can only say it is a most damaging statement and utterly unjustifiable in the circumstances of the case.

He says that the settlers whose mother tongue is not Kannada, speak their own language only in their domestic circles, while for all practical purposes they speak only Kannada. I gainsay this. This is not a fact. I may inform my learned friend that the Telugu and Tamil languages are spoken not only in the domestic circles but also everywhere outside these circles—bazaars, shops, fields, etc., wherever there is occasion.

With regard to the Ordinances, the Select Committee have recommended that they might be issued by the Government. I beg that before issuing these Ordinances, the Government may take into their consideration the answers given to the objectors in the matter of the languages.

With these remarks, I support the motion.

Mr. S. Seetharamaiya.—SIR,—In supporting the Bill as amended and recomended by the Select Committee I am glad to say that it ensures freedom to the University for working in the fulfilment of its object—a power which is absolutely necessary for being freely exercised to attain the end; and at the same time even an inadvertant abuse thereof by the said body is very reasonably guarded against by the extraordinary power vested in the Chancellor, who is no other than our own Sovereign and patron of this long longed for institution.

But the composition of the Senate as provided for in clause 9 gives scope for a very large majority of the members being officers of Government, and the deliberations of the Senate cannot therefore be expected to be quite independent.

I would therefore suggest that the number of the members to be appointed by the registered graduates may be raised to 12 or 18, and the number elected by the Senate and the Faculties be reduced to 3 each, or omitted altogether for the reasons stated below:—

(i) The provision for election of the members by the Senate and the Faculties seem to be somewhat inconsistant and unintelligible, inasmuch as, clause 9 (4) (c) of the Bill read with clause 9 (3) comes to this that the members of the Senate specified in the notification will hold their office for a term of *one year* from the passing of this Regulation, *and after the lapse of the said* term of one year the Senate shall be composed of—among others, "6 members elected by the Senate."

This cannot be understood. How can the Senate elect members before it is formed? And it cannot be a Senate before all the required number of members are elected and nominated.

(ii) The same observation applies to the election by the Faculties—*Vide* original Bill Schedule II First Ordianances of the University, Rule 10 (b), which reads thus:—

"Each Faculty shall be composed of, among others such *other fellows of the Senate* not exceeding 10 in number" whereas clause 9 (4)c of the Bill as amended by the Select Committee reads "that the *Senate* shall be composed of, among others—*6 members elected by the Faculties.*"

How can the Faculty which, to come into existence, has to be composed of, among others, *fellows of the Senate,* select 6 members for the Senate? This is not intelligible. In the Indian Universities Act of 1904 and also in the Benares Hindu University Act, provision has been made, for some members of the Senate retiring at the end of every year and new men being appointed or elected in their stead. This ensures that the Senate will be a body with *continuous corporate existence.* In the absence of any such provision in our Bill to ensure *corporate continuity,* I cannot understand how members are to be elected by the Senate and by the Faculties. There the Faculties of studies have been given representation, because, the professors are not *ex-officio* members of the Senate as they are in our Bill, and the professors will have practically *double representation.* I would therefore propose that at least 12, if not all the 18, members be elected by the Registered Graduates. At the same time I would press that in the proviso to sub-clause 4 of clause 9 of our amended Bill, the words "*a majority of the persons*" following the profession of education be changed to $\frac{2}{5}$ths of the number as in the Indian Universities Act. Again, clause 9 (4) says "that the Senate shall be composed of the members of the Council"; whereas, the proviso to clause 10 (2) provides for some members of the Council being eventually elected by the Senate. I would therefore beg to suggest that clause 9 (4) should be recast so as to avoid these inconsistencies and also to afford better representation to the Registered Graduates. The curtailment of the powers of the Vice-Chancellor and the exclusion of the First Ordinances from the Bill are also points demanding consideration. The Vice-Chancellor is the executive head of the University with the necessary powers as had been properly referred to in the original Bill. Why these powers are curtailed in the amended Bill is not clear. No reasons have been assigned therefor by the Select Committee. The non-inclusion of the First Ordinances of the Bill has disabled the Select Committee, and the Council from considering the most important and vital points in which the public opinion is necessary.

The most important ones that are agitating the mind of every one interested in the cause of the University is about the second league and the compartmental examination. I would therefore urge that the public, the Select Committee and the Council may be given a direct opportunity for expressing their views in these important matters, so that the Government may be in a better position to decide these, among other points to the satisfaction of all concerned.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I now beg to move, on behalf of Government, that in sub-clause (4) of clause 9 of the Bill as amended by the Select Committee, the words "the Vice-Chancellor and" and "other" in paragraph (*a*) and the words "connected with" in the proviso omitted by the Select Committee be retained and the word "or" inserted between the words "with" and "following" in the proviso.

The second portion of the amendment proposed is made with a view to remove any difficulty that may arise as regards the interpretation of the majority as provided for in the amended Bill.

Mr. D. M. Narasinga Rao.—SIR,—I second the motion.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—The second amendment is that relating to clause 12 of the amended Bill. I beg to move that in clause 12 of the Bill as amended by the Select Committee the words "may be defined in the Ordinances" be substituted for the words "the Senate and the Council may authorise him in this behalf."

This is partly in accordance with the original draft. The object of this amendment is that it is necessary at the beginning to define clearly the exact authority and position of the Vice-Chancellor. There has already been an observation from one of the members that the powers of the Vice-Chancellor have been curtailed. This is not the object of Government. Hence the position of the Vice-Chancellor will be precisely defined.

Mr. D. M. Narasinga Rao.—SIR,—I beg to second the motion.

Mr. B. Narasinga Rao.—SIR,—Probably the object of the amendment is to clothe the Vice-Chancellor with certain definite powers. The original Bill gave him such powers as the Senate and the Council authorized him in this behalf. Even then the Vice-Chancellor's powers became unweildy. The Vice-Chancellor's powers cannot possibly be defined in every respect. In view of the fact that this institution is not exactly like others in India—this is a teaching University and perhaps it will culminate into a residential University in course of time and that the Vice-Chancellor has to exercise a good deal of influence, he must be a whole time paid officer and as suggested in the Dacca University scheme, he should reside in the University area. I think, if the Vice-Chancellor should be the executive head although—I am not against the amendment proposed,—I would suggest a simpler way of strengthening his hands, *viz.*, by providing for all powers except those which are specially reserved by the Council or the Senate.

Mr. M. Venkatakrishnaiya.—SIR,—It has been said that the Vice-Chancellor should be the executive head of the University after the Chancellor and the Pro-Chancellor. At the infant stage it is very necessary that a certain amount of discretion should be given to him to do the duties assigned to him provided that he does not transgress the Ordinances. In all modern Universities such powers are given to the Vice-Chancellor. Taking these circumstances into consideration I think that the curtailment of the powers of the Vice-Chancellor is not at all advisable especially at this stage of the University. I therefore support the amendment.

Mr. C. Narasimhaiya.—SIR,—Since the publication of the recommendations of the Select Committee I have bestowed thought upon the nature and scope thereof especially the manner in which they will directly affect the working of the University organisation. As a result of these deliberations I have my own fears about the limitations imposed upon the powers of the Vice-Chancellor who after

all will be the centre of activity. What has now been done is that the powers he had under the original draft Bill have been almost completely withdrawn and a vague description of his powers added, *viz.*, "and shall exercise such powers as the Senate and the Council may authorise him in this behalf." The effect of this will be to reduce the Vice-Chancellor to the level of an automatic Secretary. To my mind this is properly the function of the Registrar of the University and the Vice-Chancellor has surely better work than what is allotted to him by bodies like the Council and the Senate. Without taking up much time I would like to offer a few remarks about the scope of powers enjoyed by similar authorities elsewhere. In almost all the modern Universities the Vice-Chancellor is the very soul of the University life and instead of being merely the mouthpiece of the Syndicate or the Council he takes the initiative and in a large measure is endowed with powers of taking at least initial steps in accordance with any scheme that may suggest itself to him and which in his opinion is calculated to promote the advancement of University learning, but without introducing any violent changes in the existing order of things. I need quote only a few instances like Michael Sadler of the Liverpool University, Alfred Hopkinson of the Manchester University and Lodge of the Birmingham University. Even in the more ancient foundations like Oxford and Cambridge the Vice-Chancellor is far from being a mere amanuensis to the University Council. He exercises powers which are not at every turn fettered by the opinions of the Council. I may also refer here to Section 9 of the Benares Hindu University Act which defines the powers enjoyed by the Vice-Chancellor of the most modern Indian University. The reasons are not far to seek. It cannot be expected that the Senate or Council which meet occasionally can bestow sufficient and continuous attention on all the subjects engaging the attention of the University. Nor are there good reasons why the powers of the Vice-Chancellor who will be a distinguished educationist of vast experience should be crippled. It will also be found very necessary to entrust him with certain emergency powers. Moreover if all our ambitious programme of extension and Publication Bureau is something more than a mere dream the executive head of the University should have ample powers to work them out. Regarding the powers of the Vice-Chancellor my position is similar to that taken by Dr. Johnson who while rebutting the arguments of a whig with democratic bias exclaimed "why all this jealousy about the crown, Sir, I think the King has not powers sufficiently comprehensive!" I therefore support the amendment as proposed by Government.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I now beg to move that in clause 18 (2) of the Bill as amended by the Select Committee the words "after consideration" be substituted for the words "as passed".

This is merely a verbal change and needs no explanation, because the final authority to pass the budget is the Government, the Senate being only an advisory and legislative body with no executive functions.

Mr. D. M. Narasinga Rao.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I next beg to move that the words "in respect of such officers" be added at the end of clause 22 of the Bill as amended by the Select Committee.

This amendment is necessary in order to make it clear what rules are referred to.

Mr. D. M. Narasinga Rao.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I now beg to move that in clause 24 the words "connected with or" be inserted between the words "the total number of Fellows or of members" and the words "following the profession of education."

This is the last of the motions I have to move on behalf of Government and this is consequential on the amendment now made in clause 9.

Mr. D. M. Narasinga Rao.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Mr. H. Narasinga Rao.—SIR,—With your permission I beg to move that in sub-clause 3 of clause 4 the word "religious" be inserted between the word "physical" and the words "and moral."

In making this motion I beg to state as follows:—

In clause 4, para 3, of the University Bill, moral training is given the very last place in the several important functions of the University. I regret to observe, Sir, that moral training has not received that recognition by the framers of the Bill which its importance deserved.

Another regrettable feature of the Bill is that religion is altogether divorced from morality. Religion is our great heritage. We, Hindus, as a nation are great believers in the potentiality of our religion. Our State is essentially a Hindu State and our beloved Ruler is a Hindu of Hindus, scrupulously religious, so much so, that he was considered in every way worthy of being made the first Chancellor of the University of Benares, where religious training is made compulsory. That the most loyal and humble subjects of such a Sovereign should have no facilities for obtaining religious instruction in all the Schools and Colleges in the State is, I respectfully submit, no matter for congratulation. Religion is the true basis of morality. Commercial or utilitarian morality is quite different from true religious morality. Commercial or utilitarian morality has material advantages for its aim. But religious morality is an end in itself. It enjoins that it is our duty to be moral, irrespective of consequences. Commercial or political morality may bring us rank and fortune, but religious morality is certain to bring in its train ever-lasting peace and happiness. In fact, morality founded upon or evolved out of religion makes each one of us a man in the true sense of the word. To the imparting of religious instruction in Schools and Colleges objection may be raised that among Hindus there are different forms of faith and different sectarianisms and that it is impracticable to reduce them into one harmonious whole suitable for common adaptation. Such an objection can be easily answered. How do they teach the Koran in the Alighar College, although there are different sects of Mohamadans who are not unanimous in their interpretation of the Koran? How do they teach the Bible in the Christian Schools and Colleges to students of different faiths and to Christians who adopt different forms of Christianity? How do they teach the Hindu Religious Texts to all classes of Hindus in the Hindu University at Benares? Information may be obtained from these institutions and their example may be easily followed.

Selections from the Ramayana, the Mahabharata, the Bhagavata, and other similar works which the Hindus of all denominations recognise as authoritative, may be introduced into all the Schools and Colleges in the Province and the same may be taught by competent Pandits either in Kanarese or in Sanskrit. There may be different commentaries on these great works, but that is no reason why the texts themselves should be ignored. There are different commentaries on Hindu Law known as the Hindu Dharmasastra, and on that account, it is not open to us to say that Hindu Law should not be taught in our Law Colleges. If conflicting interpretations on the passages of a work are a reason for excluding the study of that work, even Shakespeare's works will have to be ruled out of our University curriculum. Thus there is no insuperable difficulty in introducing religious teaching into our Schools and Colleges for the benefit of Hindu students of these institutions who number about 80 to 90 per cent of their whole strength and in compelling such students to undergo an examination in this subject, making, of course, due provision for recognising the correctness of answers which are in conformity with any one of the recognised schools of the Hindu religion. Every School or College in the Province must begin with religious instruction at least for half an hour every day and then proceed to the instruction in other branches of knowledge.

By the adoption of the system above indicated, we shall be giving to the Education of our youths a foundation which can stand any superstructure and to all our Schools and Colleges a sanctity that can command large public sympathy and support. If religious significance is given to the Bill under consideration, I fully trust that it will be quite in consonance with our national traditions, with our national sentiments and with our national aspirations. I beg therefore to

propose that the words "and religious" may be added after the words "and of imparting physical and moral" in clause 4, para 3.

Mr. M. Venkatakrishnaiya.—SIR,—I beg to second the motion. In doing so I beg permission to say that by religion I mean that higher religion which inculcates doctrines common to all religions. There are religions and religions and there are again sectarian religions which look down upon other religions. Even the greatest epidemics plague and cholera have not done more damage than antagonistic religions. If we examine the destructive havoc wrought by Catholicism and Protestantism in Europe, we cannot but say that sectarian religions are a curse to humanity. Such a religion ought not to find a place in any University. The University which is to be inaugurated very shortly ought to have a cosmopolitan religion. That religion should be one which embraces the best doctrines of almost all religions to be found on the face of the globe.

The Dewan.—Perhaps it is yet to be evolved.

Mr. M. Venkatakrishnaiya.—SIR,—It has already been evolved. What is the cause of the havoc that the war is now causing in Europe? Because there is no religious background. If there were, I don't think this international war would have swept away the best intelligence of Europe in so short a time. I think it is highly necessary that there should be a religion for the lower classes, the middle classes and the highest classes of the people and this religion is very easy to evolve. It is easy to lay down doctrines acceptable to the followers of all religions. The Government can appoint the best scientist, the best teacher, and one well versed in oriental literature to constitute themselves into a committee to draw up a moral and religious code that could be employed as a text book for the University. We may have an oriental side attached to our University and in that we can make provision for religion. In supporting Mr. Narasinga Rao's proposition I wish to say that such a religion ought to be evolved and made available to all classes of the people.

Mr. B. Narasinga Rao.—SIR,—The object of Mr. H. Narasinga Rao's proposition is that there should be some sort of religious training to our boys. Especially in Mysore, we cannot say that we are entirely devoid of religion. Under existing rules, religious instruction is imparted in the High Schools and Government Colleges. These rules are working in a way. But as moral and physical courses of instruction are provided in the scheme, why should religion be omitted? If the results of the existing provision for religious teaching are not beneficial to the extent desired, the fault does not lie in the system, but in the practical working of it. It is true that there are differences among the different religions but yet there are certain body of principles common to all religions and denominations. Under these circumstances religion may also be introduced as one of the objects of the University. I therefore support Mr. Narasinga Rao's proposition.

Mr. K. P. Puttanna Chetty.—SIR,—With reference to this motion, I wish to state that the question did not escape the attention of the Select Committee when it went through the Draft Bill. I myself suggested that the study of comparative religion might be included in the curriculum of the University. After a lengthy discussion, it was resolved by the Select Committee that it was not desirable on several grounds to introduce religion as part of the curriculum of the University. First, because as stated by Mr. Venkatakrishnaiya in another connection religion has brought in more differences among the people than any other subject; secondly, because it is impossible to say what kind of religion has to be taught as there are so many of them; thirdly, because ours is not a denominational University; and fourthly, if the religion of the majority is to be taught why should the minority be excluded? All these matters would raise interminable controversies and it was thought best to leave religious teaching alone and allow the Draft Bill to remain as it originally stood in this respect. I am in full accord with that view. If it is thought that higher religion should be taught and not sectarian religion, I think philosophy which is included in the curriculum is enough to cover this subject. I am therefore of opinion that the Select Committee's opinion may prevail.

Mr. S. Seetharamaiya.—SIR,—In a Hindu State like Mysore, study of religion is an important matter which cannot be lost sight of. Of course, the matter was being agitated very often in the Representative Assembly, as a result of which, religious teaching has been directed to be imparted in all High Schools. But this is not enough. In the Benares University Act, a clear provision is made for religious teaching. All classes of people are admitted into the University and power is reserved there for making provision for teaching different religions. This is the provision "The University shall, subject to the regulations, be open to persons of all classes, castes and creeds, but provision shall be made for religious instruction and examination in Hindu religion only." Ninety per cent of the people in Mysore being Hindus, the Hindu religion may very well be taught, and there will not be much difficulty in making arrangements for other classes also. The cosmopolitan religion is something which we have now and which is the natural product of civilization. It need not specifically be taught. It is our own religion that we are forgetting.

In supporting Mr. H. Narasinga Rao's proposition, I am of opinion that Hindu religion may be provided for as being one of the subjects for University education.

Mr. Chengiah Chetty.—SIR,—I am of opinion that there is no necessity for including religious education, for the simple reason that moral training is wide enough to include religious training also. I may say that "moral" includes semi-religious education.

Mr. C. Narasimhaiya.—SIR,—The inclusion of religious education in the Benares Hindu University Act has not caused any hardship to other communities. I therefore heartily support Mr. Narasinga Rao's proposal.

Mr. Basavaiya.—SIR,—I beg to propose an amendment to the proposition put forward by the learned mover and that is, until we find out the universal religion that would suit all, the consideration of the proposal be deferred. The mover suggested that the Hindu religion should be taught and particularly the tenets inculcated in the Ramayana and Mahabharata. If this is so, I should not be surprised if everybody raises his voice against the proposal. If any religion should be taught at all it ought to be based on a national basis. It should not be based on any sectional spirit. If we should find that universal religion that is acceptable to all, I should certainly support the proposal to include it in the University curriculum. Till then the consideration of the proposal may be postponed.

Mr. Nawab Gulam Ahmad Kalami.—SIR,—I beg to associate myself with the remarks made by my Hon'ble friend to the right (Mr. Basavaiya). As a Mahomedan I may claim to be as much interested in religion as any other, be he Hindu, Christian or another. But at the same time, I am of opinion that religious teaching as it is understood ought not to be the aim of a University such as is going to be started. It may cause any amount of trouble. We are far behind the times in many other respects. Educational curriculum we are not yet able to solve satisfactorily and how are we going to solve the ideas of religion? To my mind time has not yet come for it. At the present stage it is not advisable to introduce religion into the University education. If it were only possible the Mahomedans who are more keen about religion than perhaps any other community, they would have been the first to bring that suggestion. With these remarks I beg to vote against the proposition brought forward by Mr. Narasinga Rao.

Mr. A. R. Banerji.—SIR,—I wish to make a few observations with regard to the amendment that has been proposed to insert religious teaching in sub-clause (3) of clause 4 now before the Council.

I may state that while Government are in entire sympathy with the spirit in which the motion has been made, they regret they are unable to accept it. From the way the discussion has already proceeded, I think it is quite evident to the Council as a whole that there are very many practical difficulties in carrying out any system of religious education or religious teaching in this country. Our friend Dewan Bahadur Mr. Puttanna Chetty has already told us that this was not lost sight of in the Select Committee, we had a lengthy debate on the subject and we agreed that it would be better to leave the matter alone. The subject is a vast one.

However laudable the object might be, it would be very difficult to introduce any kind of religious instruction in a secular University like the Mysore University in the manner proposed. As soon as we attempt to effect a practical solution of the problem, we tread on dangerous ground. Mr. Venkatakrishnaiya's ideal of a universal religion consisting of main points on which all religions agree is indeed beautiful; but the difficulty will be to find teachers to teach such a religion and also text-books to help the teachers to inculcate such teaching. The idea may not appeal to the enthusiasts who have their own particular views in such matters. It is not easy to make arrangements for one class of people and none for others. In a country where there are followers of different religions whose individual ideals should be respected it would be extremely difficult to introduce in a legislative measure religious teaching as being one of the duties of the University. The Council is aware that, we are making experiments in regard to religious instruction in schools and although I am quite new here and cannot say how far that experiment has succeeded, I know this as a fact that there are very many serious differences of opinion as to that experiment. I would therefore urge the advisability of leaving this delicate matter alone and not create opportunities for further dissensions where unity and mutual spirit of toleration are of the utmost importance.

Mr. H. Narasinga Rao.—SIR,—While proposing that religious education should find a place in the curriculum of the University, I do not mean that any particular religion should be taught in any particular manner. A practical religion or any kind of religion may find a place. There is nothing lost by the introduction of religious teaching, not mentioning any particular religion. All that is necessary in the Regulation is an enabling section empowering the University to introduce religious teaching whenever it is found necessary and practicable. The objections that have been raised are all on the ground of imaginary difficulties and future troubles. What is taught at present in the High Schools is merely an elementary knowledge of religion. Ours is practically a Hindu University, most of the students being Hindus recognize Bhagavat Gita as an authority and if this is taught in the Colleges, the students would be better enlightened. They would do their work better and more satisfactorily. The teaching of Bhagavat Gita will not make a man immoral. Mere reading and understanding the Gita would make students vastly better than they otherwise would be. I therefore submit that there is no danger whatever and that there is no room for any alarm. There are different religions in Mysore no doubt. For this purpose, Gita may be taught to the Hindus, Koran to the Mohammadans and the Bible to the Christians. Where is the difficulty? You have only to teach moral truths. For these reasons, I would urge with all my strength that my amendment be considered.

With regard to Mr. Basavaiya's amendment, all I can say is that it was not brought forward seriously. There is no religion like the one he referred to and perhaps there will not be to the end of time.

On Mr. Basavaiya not pressing his amendment, Mr. Narasinga Rao's proposition was put to vote and was lost, (6 in favour and 13 against).

Mr. C. Narasimhaiya.—SIR,—Another matter to which I would like to invite the attention of the Council is the institution of the Faculty of Oriental Learning. The Committee appointed to consider the reorganisation of the Maharaja's Sanskrit College at Mysore submitted their report sometime ago embodying among other suggestions definite proposals for affiliation of this institution to the University. I have no means of knowing what steps Government have been pleased to take on these recommendations. But the time appears to me to be opportune for immediately taking over the College and the creation of a third Faculty, namely, of Oriental Studies. In venturing to move this matter for the consideration of the Council I have no wish to indulge in rhetoric or to utter platitudes. The ancient civilization of India is based on culture and in spite of the hurry and fever of modern life how many of us can afford to forego the employment of our time for intellectual and æsthetic enjoyment? At present our Sanskrit College is getting depleted owing to the departure of students to the Madras Presidency which offers better inducements. The Siromani Pariksha of the Madras University may be taken as an instance and the successful candidates therein are generally started on decent salaries.

These things ought not to be permitted to rob our country of the fine intellects which can be locally used in very many useful lines. I should urge therefore upon the notice of the Council the expediency of immediately taking over the Sanskrit College by the University and developing it on the lines indicated in the Committee's report referred to already.

Mr. Chakravarti.—SIR,—With reference to this proposition I may draw the attention of the member to paragraph 35 of the Committee's report wherein this matter has been proposed to be dealt with by the Senate to be constituted.

Mr. A. R. Banerji.—SIR,—This may be reserved for consideration by the Senate to be constituted under the Regulation. Moreover, according to the wording of the Bill, it is not exclusive.

Mr. A. R. Banerji.—SIR,—I have now much pleasure to move that the Bill as amended be passed into law. In making this motion I may be permitted to make a few brief observations with reference to the criticisms that have been offered by the members of this Council.

There appears to be a general dissatisfaction expressed by some of the members that the decision of the Select Committee to omit the Schedules especially the Second Schedule which relates to the first Ordinances of the University, has deprived this Council of the opportunity of discussing one or two vital matters affecting the general constitution and the policy of the University. But from the discussions that have taken place so far as that disappointment is concerned, I note only two matters as having engaged any keen interest and attention. These matters are (1) the position of the Kannada language in the course of studies, Ordinance 37; and (2) examination by compartment, Ordinance 53. A reference to the position given to these matters in the Ordinances themselves will convince the Council that they really appertain to technical matters which should be decided by experts. I do not think, Sir, that you will find in the discussions relating to the enactments of any University in the world any reference to such detailed matters of study or the number of marks that must be obtained to secure a pass, etc., as fit subjects for discussion in the Legislative Council. All that I can say at this stage is that the Government can give the fullest assurance that in these matters before they issue the Ordinances they will have the benefit and assistance of expert bodies in deciding these questions.

In regard to the other items in the Ordinance such as the Senate, the Council and the Faculties, the Select Committee to be consistent with the general policy they have adopted considered that these relate to the detailed management of the University, and should be left to the University itself and that the first Ordinances may, therefore, they thought, be those approved and issued by Government.

As regards section 9 there has been some misapprehension I think on the part of some members of this Council. It has been urged that the Senate as existing at the commencement of the first year will go out of office after the lapse of that period and that therefore they cannot elect members for the next Senate. The intention of the legislature in this case is that the outgoing Senate and the outgoing Faculties will exercise this privilege of election. This is not an inovation for we find in section 6 (1) of the Indian Universities Act of 1904, a similar provision. For instance, in sub-clause (6) it is said in the case of the Universities of Calcutta, Bombay and Madras the number of Fellows shall be elected as follows:—

Ten by the Registered graduates.

Ten to be elected by the Faculties, etc.

In regard to Punjab and Allahabad, the very first provision is that ten shall be elected by the Senate. Here in order to make the position clear we have closely followed that phraseology and said six to be elected by the Senate, six by the registered graduates and six by the Faculties. It is a common practice in certain Universities that the existing executive and advisory bodies should perform certain functions so as to help their successors.

Some remarks have been made as regards the position of the Vice-Chancellor. I do not think it is necessary for me at this stage to add to the discussion because

at the time when the Government amendment was put before the Council, there has been a general agreement as to the advisability of adopting the amended wording in preference to the wording which left things indefinite. There need, however, be no apprehension that the Bill as now framed will hamper the responsibilities or functions of the Vice-Chancellor. I can assure this Council that the Government will take all possible care to see that the first Ordinances relating to the office of the Vice-Chancellor, the draft of which has already been published will be very carefully scrutinized before they are finally issued under the authority of Government. In this connection I may refer to the Dacca University scheme and the observations made therein regarding the position of the Vice-Chancellor. They say in that scheme "We do not propose to attempt a comprehensive definition of the duties of the Vice-Chancellor. As the executive head of the University, he should be thoroughly familiar with all aspects of University work and life; all matters of importance should come before him; and he should be well acquainted with all the senior members of the staff. He will preside over convocation in the absence of the Chancellor, and over the Council and the six principal Boards constituted by regulation. He should be responsible to Council for the observance of the University Regulations. He should have authority to visit any College at any time in order to satisfy himself that the administration is satisfactory, and that the regulations and rules of the University are duly carried out. Where necessary, he should report on any defect to the Council and an order of the Council passed on such a report should be binding on the College concerned." That is the latest pronouncement more or less I should say of the expert authorities as to the exact position the Vice-Chancellor should have in a teaching University proposed to be established at Dacca.

The Government are quite in agreement with the principles above indicated. There need be no apprehension regarding the position of the Vice-Chancellor. All that the Government desire is that the work of the University should go on smoothly and the powers of the Vice-Chancellor should be well defined and that he should be given all possible facilities, to carry on the work of the University.

I do not think that there are any other points raised and I therefore beg to move that the Bill as now amended be passed into law.

Mr. D. M. Narasinga Rao.—SIR,—I beg to second the motion with the following observations:

The observations made by some of the non-official members about the inadequacy of the powers of the Vice-Chancellor do not take into account the general policy underlying legislation in regard to Universities elsewhere, to which I have already referred. The foundation of all the powers, functions and duties of the Vice-Chancellor is contained in the expression, "He shall be the principal executive and academic officer": and it would be neither possible nor desirable to go into greater details in this matter in a Bill. To a large extent the powers and duties of the Vice-Chancellor would vary with the conditions of the University from time to time and it would be detrimental to the best interests of the University, to throw such powers and duties into a rigid shape, which would be the result by embodying details as to them in the Bill itself. Seeing that it is generally unusual to deal with the status of the Vice-Chancellor in a Bill, non-official members will, I hope, concede that the provision already made in Section 12, for effectually guaranteeing the position and status of the Vice-Chancellor in the constitution of the University is quite adequate. It was argued that as it would be impossible to attempt any detailed definition of the powers and duties of the Vice-Chancellor in the Ordinances, it would be necessary to provide for them in the Bill itself. This, indeed, appears to be a strange argument. For, it is not clear how what was impossible to be defined in the Ordinances could be provided for in the Bill.

Some criticism has also been made in regard to the exclusion of Ordinances from their consideration by the Select Committee. A Select Committee can omit clauses and schedules and make amendments in every part of the Bill. In no instance has the legislature dealt with Ordinances relating to academic courses, etc., which are of an extremely technical character. It would, besides, be inexpedient to make Ordinances a part of the Bill, as the Ordinances could be changed by the

Senate with the sanction of Government, but without the approval of the Legislative Council.

Mr. S. Seetharamaiya.—SIR,—In the amended Bill I find no reference to the outgoing Senate. In the British Indian Universities Act, one-fifth of the number go out and so the remaining number elect. But here as the whole Senate goes out, where is the Senate to elect members?

Mr. A. R. Banerji,—SIR,—The retiring Senate is given the privilege of electting a certain number of members to the new Senate. That is the meaning.

Mr. M. Venkatakrishnaiya.—SIR,—Mr. Banerji in his remarks was pleased to say that there has been a conflict of views expressed by me with respect to Kannada being made compulsory. I have one thing to observe here. I have made my personal observations in some place; and I have made certain other observations when associated with Associations. They may perhaps conflict with each other. If I am the President of a hundred Associations, I may have forwarded to Government a hundred resolutions in which the opinions of the separate bodies would be embodied. For this reason I cannot be charged with the conflict of views. With reference to my own views, I may state that 71 per cent of the people of Mysore are speaking Kanarese and there being such an overwhelming majority, a sort of prominence has to be given to the Kannada language. Those who come to administer the country must know what the feelings of the people they are governing are. They must at least have some idea of the colloquial language of the country. The goodness or the badness of Government depends on the interest and faithfulness of those who interpret the views of the people to the Government. I think that at least our officers must know the colloquial language and be able to read memorials and other things submitted to them. They must understand the raiyats when they come and represent their grievances. It is only such a knowledge that our administrators want. In endorsing the views expressed by Mr. Narasinga Rao, I therefore suggested that in cases in which Kannada is not made compulsory, at least translation and composition might be made compulsory. That was what I said. I must tell you Sir, that the most prominent language in India is Sanskrit. In Kanarese we have at least 72 per cent of Sanskrit words and therefore Sanskrit ought not to be assigned an insignificant place in the curriculum of the University. A knowledge of Sanskrit is most essential to a correct knowledge of any of the Indian languages not only Dravidian but also the languages of Northern India. Even Malayalam may be included with the proviso that whenever any body takes a language other than Kannada, he must be made to understand the colloquial language of the people and if he is to enter Government Service, he must be able to understand what is represented to him in Kannada. We do not want that all the old Kanarese should be learnt, we will be completely satisfied if the candidate is capable of understanding the people and of giving his views to them. That much of Kanarese is, in my estimation, absolutely necessary.

As regards the powers of the Senate, etc., embodied in the Ordinances, whatever Ordinances Government are going to issue, it is of the utmost importance that the wishes of the people should be consulted. In the Select Committee it was stated that the Ordinances might be better left to the Council and the Senate. I am not one of those who say that all the Ordinances should be left to the Senate. There are some which could have been considered by the Select Committee as well as by this Council. For instance, the syllabuses might be left to the experts. There are other things which might have been considered by laymen. The Oriental side of the University is a matter on which this Council and the people in general can express an opinion. In the Draft Regulation it is said that literature, philosophy and useful knowledge may all be included among the objects of the University. If this is the case, these things are to be found in greater abundance in Sanskrit than in any other language in India. Even European scholars have been trying to study the vast lore clothed in the Sanskrit language. They say they have to study a great deal from India. The Maharaja's Sanskrit College is a sort of spiritual monument to His Highness the late Maharaja. It was in his memory that it was started. I am sorry to state that the usefulness of this College is being day by day diminished. We have been, for many years past, recommending that Sanskrit knowledge of that College should be combined with

English knowledge. Whatever is good in the West ought to be combined with whatever is good in the East. This suggestion has been made times without number. At one time, English was taught and many who learnt English passed the Entrance examination and afterwards became very good officials in the State. Somehow or other, the English classes were abolished and from that time, the usefulness of that institution has gone down. Sometime ago, the Government of His Highness appointed a Committee to go into the question and certain recommendations were made. I do not know at what stage those recommendations are. At present, the usefulness of that institution is otherwise materially affected by the Siromani Colleges which train people for the examination. Some of those that passed the Siromani examination joined the College sometime ago and their knowledge of English is not equal to that of the second form student. Their Sanskrit knowledge too is very inferior, not even equal to that of upper secondary students. Such people are offered from Rs. 40 to Rs. 50. The result is our best students who are capable of teaching anything are going to some of the Siromani classes. This is a state of things which cannot but be sad to those that are interested in the Sanskrit language. It is on this account that I say that the Oriental side of the Mysore University ought to be at once opened and arrangements made to see that both Sanskrit and English are taught.

With these remarks, I support the proposal moved by the learned first member.

Mr. Nawab Goolam Ahmad Kalami.—Mr. President, as the only Mussalman member of this Council, I deem it a duty and a privilege to raise my voice in support of a measure which has for its aim the intellectual, moral and material elevation of the people of Mysore. No body can say that the University that we are establishing to-day has come a day too soon. On the other hand, it may well be wondered how a "Model State" like ours could manage so long without a University of its own. We have in His Highness the Maharaja a ruler who, as in days of old, watches over the interests of his subjects with parental solicitude. And in you, Sir, we have a minister of proved capacity, with a rightly earned reputation for energy and far-sighted statesmanship. We are also equally fortunate in the present personnel of the Imperial Government. If, under such favourable auspices, the spirit of the times did not prevail and a separate University for Mysore was not created, it would certainly be remarkable.

Nevertheless, Sir, there are people who maintain that the University is being rushed through. Perhaps, a year's delay may have given the public and the Government an opportunity to examine and review our present educational system from the new point of view. At all events, one feels that, if the public had had the present scheme before it for sometime longer, even the small evidences of disaffection with the details of the scheme that we now notice would have disappeared and the entire measure would have been hailed with universal joy and enthusiasm. It is undisputed, however, that the Mysore University has been conceived in the best interests of the people. It is equally clear that our Government are really anxious to extend its benefit to the public without delay and they have accordingly put the scheme in force in anticipation of legislative sanction. Let us not then do anything which will mar the grace of their beneficent foundation, but join hands with the executive and give the University our solid and substantial support.

I notice that the Bill as amended by the Select Committee does not contain the Ordinances and schedules that the Government proposed. These documents were important and had gone a great way to allay the fears of the public as regards the scope of the University, the studies proposed to be included and the standard of the examinations set up. Now that the Ordinances are not to be included in the University Regulation, may I express the hope that, in spite of the eloquent protests of some of my colleagues, Government will not depart from their original scheme of studies as incorporated and published in the Draft Bill. I take it that the University is not meant for the benefit of any particular section of the people, however predominant in numbers, but is intended on the other hand for *all* the subjects of His Highness the Maharaja. The mere theory of "an open door" is not enough but practical facilities must be afforded to all classes alike for profiting by the higher learning of the University. To achieve this end, the University ought to grow out of, and adapt itself to the existing circumstances of the people

rather than force on any section among them a condition which will place it behind other sections. I also fancy that the University is being founded, not with a view to prepare candidates for Government service or to give an impetus to the growth of any particular language, although these benefits may accrue incidentally, but to promote the best interests of learning. And for the sake of the young men who will resort to the University, it is obvious too that, at least at the present stage, the Mysore University should as far as possible co-ordinate itself to the Universities in British India. The provision for Telugu, Tamil, Urdu and Persian is, in this view, as important as the provisions for Kannada and Sanskrit and I do hope that, in framing the first Ordinances, the Government will not allow their sense of propriety, justice and fairness to be swayed by considerations of a mere parochial patriotism. As a Mussalman, let me say a word with regard to Urdu and Persian. Apart from the importance attached to these, because Urdu is the language of the Mussalman home and Persian of Musalman culture, I submit Urdu and Persian are related to Sanskrit, the sacred language of the Hindus, even more closely than the Dravidian langauge current in the State. Urdu specially is purely of Indian birth, it is the *lingua franca* of the whole Indian Continent and deserves to be fostered by all friends of Indian nationalism. It is but right and proper that provision is made for the study of such a language in an indigenous Indian University like the Mysore University.

One word more, Sir, before I close. We have known by experience that it is not statutory institutions or legal provisions that materially affect the people so much as the manner and the spirit in which they are worked. The wish has already been expressed in this Chamber that University, founded as it is at such an enormous cost, should benefit all communities alike. It will rest with the Vice-Chancellor and the other executive officers of the University either to realise this noble ideal or to confirm the suspicion that the University has for its aim the elevation of classes which are already sufficiently advanced. Be it remembered that a great disparity in the intellectual development of the various communities in the State is fraught with danger and that it is the loyal duty of our University to help in reducing such disparity to a minimum. This function is specially important now-a-days. Claims are put forward everywhere of Indians being a compact and united nationality and on this assumption reforms are being advocated in the Government of the land. The minor classes, however, hesitate to fall in line with the major communities on account of the fear, now and again openly expressed, that the University may be swamped by the majority. As friends of Indian advancement, let us even in our "Model State" help to dispel this fear and so work the Mysore University as to inspire confidence in all the minor and backward communities that their interests are safe in the hands of the major and advanced classes. Then only shall we be fulfilling our mission and realizing the hopes and aspirations of our beloved Maharaja out of whose bounty the Mysore University is coming into existence.

With these words, Sir, I support the Bill as amended by the Select Committee.

Mr. M. Karnick Krishnamurthi Rao.—SIR,—On my own behalf and on behalf of the members of the Representative Assembly, whom I have the honour to represent in this Council, I solicit permission to offer very hearty congratulations to His Highness the Maharaja and His Highness' Government on the promptitude with which the Mysore University scheme has been worked out and brought to shape. We are grateful to the Supreme Government for ready sanction and approval of the scheme. I understand the University is for the whole of Mysore wherein, the majority of the people speak Kannada; Kannada is also the court and commercial language, and the language of the Ruling Family of Mysore, and as such Kannada should be a compulsory second language. Candidates may be given the option of taking any Dravidian or Northern Indian language, but the solidarity of Mysore should be aimed at and Kannada therefore should be made compulsory. If that be not possible Kannada translation should be insisted in the University.

I would also advocate the compartment system of examination in the University course, as is being done in other Universities. I hope in the course of time the posts of the Vice-Chancellor and the Registrar will be thrown open for election.

In the matter of admission of students into Colleges and High Schools there is a growing complaint. Qualified students are still being denied seats in the Colleges and many Mysoreans can be seen in the Colleges of Salem, Madanapalli, Mangalore, Coimbatore and other places. A qualified Mysore student should not be denied a seat in his own native College. If necessary more Professors should be appointed and few more Colleges may also with greater advantages be opened.

Mr. C. Narasimhaiya.—SIR,—I have yet another topic which appears to me to be most vital in the interest of the student population. I allude to the passing of the examination in compartments. Of all the Universities in the world the Indian Universities alone have set up high standards. But even in these Universities passing by compartments is allowed and I see no reason why it should not be allowed here. The different subjects in which a student has to pass are independent of each other and it is not at all clear why a student who has passed in a particular subject should be made to study it over again.

I do not want to take up the time of the Council any further but before closing I cannot help alluding to the position of Kannada in the University. Mr. Sarada Charn Mitra, Judge, High Court, Calcutta, has in his article on University Education in India published in the recent Economic Journal said "In one matter however I am in harmony with most of my friends, I mean the medium of instruction. The medium must be vernacular of each Province or State. Mysore must have Kannada. English is a very difficult language to master and unnecessarily a long time is wasted in study in mastering its idioms and idiosyncrasies."

Though we are not at present prepared to go so far we may harmonize the controversy by making a small but healthy change. I would suggest that all the students of the University whatever their second language should make a non-detailed study of at least one Kannada text book every year and pass an examination in composition as they do in the case of English non-detailed books.

In closing my remarks I beg to accord the Bill my support subject to the amendments I have suggested.

Mr. B. K. Garudachar.—SIR,—In the proposed scheme, there is no examination equivalent to the Intermediate examination, after passing which, a student can take a professional course such as Medical, Engineering, etc. If students have to graduate before taking up professional courses, it would be a very great hardship. So, when the Ordinances are issued, I wish that Government should consider the advisability of introducing an examination equivalent to the Intermediate, to enable students to take professional courses instead of graduating.

With these remarks I beg to support the proposition.

Mr. K. P. Puttanna Chetty.—SIR,—I have great pleasure in supporting the motion. In doing so I have only to offer one or two remarks.

Again and again the question of Kannada as a compulsory vernacular has been pressed on the attention of this Council. If I divine rightly the sub conscious mind of those members who have urged this question, I think they have a lurking fear that the public service will in course of time be full of graduates who have not taken Kannada as their vernacular; it is probably this idea which has influenced them in making such a strong point of the language question. We want the University to train men not only for the public service but for all the other vocations of life. As I stated on a former occasion, all the graduates are not absorbed in the public service and there is not a sufficient number to be employed in other walks of life and consequently the country is the poorer for all the education we give. As far as public service is concerned, I think the contention of my learned friends is quite correct. The language of the people is Kannada, the language of the public offices is Kannada and Government have a right to make a rule that public service will be open to only those who possess a good knowledge of Kannada. A rule like this will remove the very just apprehensions of the members who have urged this point on the consideration of the Council. If Government would be so good as to consider this proposal and give an assurance to this effect, the gentlemen who raised the objection would perhaps be glad to withdraw their objection on this score.

As regards the compartment system it is a question to be dealt with by expert educationists. I am sure when the first Ordinances are passed in the way suggested by the Select Committee, the Senate and the Council will give their best consideration to the matter and remove the grievances which are complained of in this respect.

As regards an oriental side of the University, I am in hearty accord with Mr. Venkatakrishnaiya. Our old learning is passing away and every effort is made in British Indian Universities to give prominence and permanence to this old feature of an academic life. In Mysore so much has been done in the past in furtherance of the Sanskrit language that it would be a pity if our Colleges are denuded of Sanskrit students on account of the attractions and inducements afforded by other institutions elsewhere. I hope this will be considered by the University authorities and brought up before Government.

SIR, something has been said about the manner in which this Bill has been brought up before the Council. I do not think that the charge is sustainable. Even if the Bill had been before the Council for a whole year it could not have received more attention or elicited more discussion than it has had from the public and this Council. As in all new measures, there is plenty of scope for differences of opinion in matters of detail. But as Mr. Gulam Ahmad Kalami has said the Bill has been well conceived in a noble spirit and this Council will wish it every success and I trust it will confer upon the country the benefits which are expected from it.

With these few remarks, I have great pleasure in supporting the motion.

Mr. Chakravarti.—SIR,—I wish to make one or two remarks with reference to the observations made by certain members.

Mr. B. Narasinga Rao and many other members have pleaded for the compartment system of passing examinations, and they have criticised the modified compartment system included in the scheme, *viz.*, if a candidate secured 60 per cent of the marks, he will be exempted from appearing in that subject if he appears for the rest within two years. The fear of those who advocate for the compartment system is that the number of passes will be few and that the passes in the Madras University are already few in spite of the compartment system in that University and that if the compartment system is restricted in the way proposed in the Bill the small concession given will be altogether useless. I may mention one fact which will prove that such an apprehension is not borne out by facts. In the Calcutta University there is no compartment system of examinations. If a candidate passes in all other subjects and fails for want of even one mark in one subject, he has to appear for all subjects over again. If the apprehension of low passing is well grounded, then the percentage of passes in the Calcutta University should have been very low indeed. But as a matter of fact, the percentage of passes there is not at all low; on the other hand, of late years it is so high that two special Committees have been appointed to see why the percentage of passes is so high. So that, the number of passes does not depend materially or chiefly on the existence or non-existence of the compartment system. Moreover our University will be practically a residential University in which examination does not play such an important part as in other Universities. It is the general culture of the students in the University course which will receive greater attention. The fact of compartment or no compartment is not, therefore, so important as has been thought by some of the members. If the training given is good, if the culture is sound, and the surroundings in which the student lives during his course of reading are good, he will have received a sound education and the result of the examination will be only a final stamp of the culture he will have received. There need therefore be no apprehension on account of the omission of the compartment system. We have, however, as a matter of fact, got it in a modified form.

Mr. Venkatakrishnaiya has said that those who administer the country and hold Government appointments should know Kanarese. That will be a very good subject for comment in connection with the departmental rules of Government service and cannot have any important bearing on the syllabus of the University. There are of course rules governing entertainment in the public service and one of the conditions is that they should pass an examination in Kanarese. If necessary, they may be made stricter and applied universally. But so far as the University

is concerned, I think it should be conceded that the object is that a student should have a thorough grounding in his own vernacular and in this respect, the present arrangements appear to be most satisfactory. We all know that our Indian Continent is such a vast country that it rarely happens that an administrative unit is also a homogeneous unit. Those who have to arrange for education in that administrative unit must pay equal attention to the various sections of the population.

A complaint has been made that the Senate under the constitution will be of a too official character. I do not think there has been any intention on anybody's part to make the Senate too official. A considerable number of the members will be elected and others will be nominated. If it happens as it rarely may, that the majority of the senate will be official, it will not be due to any intention to officialize the University. It will be admitted by one and all in this Council and outside that the non-official element has been considerably raised and greater concessions are being given almost every year to the non-official community. Hence there can be no reason to believe that the Government purposely intend to make the University an official body. Moreover, the University is not a political body, the interests of the officials and non-officials will be the same and their views will not clash.

About the Oriental Faculty, I have already stated that the matter has received consideration and it has been recorded in such a way that the new Senate will be practically bound to consider the matter and come to some conclusion on it at a very early period of their existence. We have received very excellent opinions to-day. It only requires a little re-organization and co-ordination of existing agencies and we can have a very decent Oriental Faculty which will perhaps be the third Faculty of our University; of course we are claiming Medicine, Engineering, etc., but they are very expensive. For an Oriental Faculty, however, we have got a considerable amount of material—we have a splendid Oriental Library, Sanskrit College containing very illustrious Sanskritists on the staff and it will not be very difficult to establish an Oriental Faculty. I for one earnestly hope that the desire of the members who have spoken on the subject to-day will find fruition very soon.

Mr. Gulam Ahmad Kalami has pleaded for equal treatment to all classes. I have gone through all the papers in the scheme and I have not been able to find any trace of any intention of preference being shown to any particular class or classes. So, I have every right to hope with Mr. Kalami that all classes of His Highness' subjects will receive equal and impartial treatment.

Mr. Garudachar has raised the question of an examination equivalent to the Intermediate for admission to professional courses. As we are not going to have these courses under the scheme at present, we must depend on other Universities for them. It does not so much depend on us as on other Universities as to what standard they will accept as sufficient for admission to the Technical Colleges. I think the matter has received consideration at the hands of Government and as soon as the views of other Universities are ascertained, every endeavour will be made to fix the standard and pupils will be free to join them.

This is the last stage of the Bill and in a few minutes, it will be put to vote and there is no doubt it will be carried. As the First Member has said, there are many points in the Bill which are not settled facts. We have decided to start the University and some Regulation has to be placed on the Statute Book to legalize the action to be taken. There are certainly many points requiring future consideration. It will be open to the public to give their further consideration to any points and suggest amending Bills. Of course there is foundation for the statement that the Bill has been rushed through at some stages as a matter of necessity. It was only for this reason that the Ordinances and other things could not be fully discussed by the Select Committee. Even if the First Ordinances to be issued are not placed before the public for an expression of opinion, it is simply because they are not considered to be final measures and that further consideration might be bestowed on them.

With these few observations I support the motion.

Mr. B. Narasinga Rao.—SIR,—After the excellant speeches made by my colleagues in Council, there remains very little for me to say. On behalf of the

public I offer my hearty thanks to His Highness the Maharaja and his Government for having given us a University of our own. No doubt there have been some differences of opinion and those differences still exist and will continue to exist until they are remedied. Apart from these differences, we are thankful that we have a permanent University in Mysore and this will be an epoch making day because legislative sanction will be given to the measure in a few minutes. I wanted to finish my observations with these congratulations but the learned Financial Member of Government, Mr. Chakravarti, has made certain observations about the compartment system of examination, which does not find a place in the Calcutta University, and I feel bound to say a few words with reference to his remarks. Mr. Chakravarti being a distinguished educationist, is eminently competent to offer an opinion; and because he is eminent, I fear to place my views before the Council along with his. We want to make our University a model University. If the compartment system is not one of the features of the Calcutta University, it cannot be a model at all to us. We have all along been dealing with the Madras University and our model must to a certain extent be that University. This University has got a very high standard fixed for the examinations, and yet it has the compartment system. I do not see why we should follow the Calcutta University in this instance in preference to the Madras University. The most recent instance of University reform is contained in the Dacca Scheme and the Members of that University have, in their report, advocated the compartment system. With that latest pronouncement on the one hand and with the experience of the Madras University on the other my humble submission is that this is not a matter to be trifled with and that it should have the earnest consideration of Government in the interests of the student population in the State, so that their education may not be hampered.

Two of my learned friends Mr. Basavaiya on the day the Bill was introduced and Mr. Gulam Ahmad Kalami today made a powerful representation that the interests of the backward classes may not be lost sight of. Nobody will agitate that their interests should be ignored. But how can a University help them? All that they can say is that some encouragement in the shape of Scholarships, which the Government have been ungrudgingly giving, might be allotted to them. Beyond this, it is not stated how the University can help them. We do not grudge any attention being paid to them.

Mr. Puttanna Chetty said that the chief grievance on the part of those who insist upon Kannada being made compulsory was that they were afraid that such of those who became officers might not be able to know idiomatic Kannada. This is only one of the overwhelming reasons. This is not, however, the time to sound a discordant note, since the Government have assured through the learned First Member that the Government's mind is open and that the matter is not a settled fact. We hope very earnestly that at one time or another Kannada will be in the forefront in the University curriculum.

Lastly, on the general point of a University for Mysore, I may be permitted to mention that this was one of the most important subjects brought up by the Representative Assembly a few years ago, an Assembly which came into being through the kindness of our Sovereign and the object of which was to associate the people to a certain extent with the administration of the country and to make them understand that the interests of Government are identical with those of the people. The Representative Assembly will feel highly gratified at an important suggestion of theirs having materialized in the mind of the Government and taken practical shape in so short a time.

In conclusion, Sir, I beg to convey the heartfelt gratitude of the people of Mysore to His Highness for the interest evinced in establishing this University and the amount the Government have spent and are spending for the education of the people of this country.

Mr. S. Seetharamaiya.—SIR,—In addition to the other points brought to the notice of this Council, I have one other matter to be placed before Government for their favourable consideration.

In the University Bill no provision has been made on behalf of the students who may not secure a pass after undergoing four years' training in the College. In

case they fail and have to undergo the course over again by attending the College, it will be very hard on them. I would suggest that a provision may be made for exempting such students who have completed their course from attending the College again and for appearing for the examination privately as is done in the Madras University in certain cases. That is the only point which appears to me to require consideration before passing the Bill. In conclusion, I heartily join with Mr. B. Narasinga Rao in expressing our sincere gratitude to His Highness for having conferred upon the country a University and I beg to invoke the blessing of the Almighty God upon the University which will come into existence the next moment and also upon His Highness and the Royal Family.

Mr. B. V. Ramaswami Chetty.—I am glad, Sir, that we have come to the stage of passing the Bill and adopting it. In the light of the observations made by the previous speakers I beg to say one or two words.

With regard to the remark made by Mr. Venkatakrishnaiya that since three-fourths of the population speak Kannada, that language alone should be made compulsory, I would merely say that this is just the ground why there is no necessity to make particularly Kannada language compulsory; because when such a large part of the population speak that language, they will certainly take care of it without the aid of compulsion and there is no fear that that language would go to the background.

With regard to the observations made by another member that in the case of people who have not taken Kanarese as their optional language a certain test should be prescribed before entertaining them in the public service, I am heartily in accord with him. I would go further and say that the test may be very hard and searching and unless they pass it, they should not be admitted. It is quite a different matter from that we are discussing in connection with the University curriculum. I know as a matter of fact that such a test is already prescribed in the case of the members of the Civil Service.

With regard to the question of equal treatment what is desired is, in the case of boys who belong to classes other than the Brahmin community, such treatment as is possible in the circumstances of the case. What is possible seems to be to set apart a certain number of scholarships and freeships in the case of the backward community such as Lingayet, Baljigar, Vokkaligar, etc., and perhaps Mahommedans also. No other special treatment can be expected from the Government.

It was said that each Province must have a special vernacular and as this Province consists of only Kanarese people for the most part, Kannada must be made compulsory. With reference to this, I can only say that people are so mixed up here that we cannot exactly say that one locality is entirely of one nationality and of no other. Here the Tamilians, Telugus, Kannadigas, Mahommadans and others are so much mixed up that there is really no necessity to force Kannada equally on all.

Mr. Basavaiya.—SIR,—I am now called upon by my learned friend on the right (Mr. B. Narasinga Rao) to support my own proposition with regard to the treatment of the backward classes. The question is no doubt a large one inasmuch as it concerns 56 lakhs of people out of 58 lakhs. I have been able to show by certain statistics at the last meeting of this Council that the education of these 56 lakhs of people has been not so satisfactory as one interested in the Collegiate and High School education of the backward classes would wish it to be. It is not that anybody has found fault with the intellectual development of the remaining two lakhs of people. For myself I would even fight for the cause of these two lakhs more than those who oppose me in the intellectual amelioration of the backward communities. My contention is merely that side by side with the intellectual development of one class of people incentives should be given to the other classes also of His Highness' subjects for a similar development. The present position is that all classes are not equally developed. It is not true that the doors are quite open to all, for the incentives given are not as encouraging as one would desire. In fact, we have College hostels. But it would be interesting to know how many of these are set apart for the benefit of those communities which are not sufficiently developed.

It will not be very difficult to find that a large number of the students of the other communities have either no places secured to them or their accommodation has not been sufficiently scrutinized. For instance, the Mahratta, the Vaisya and other communities have not been provided with a hostel of their own. For this purpose the Government should come to their help. I am only going to give small instances. The Kitchetty Chatram acquired by the Government with the object of serving as hostels for the non-brahmins was subsequently withdrawn from that object as the Government wanted it for some other purpose. By all means utilize the land. But was any other land given in exchange for the purpose of the hostels? On the other hand, the Government suggested that there was another bit of land somewhere else, that the owner demanded Rs. 15,000 for it and that if the people would contribute a portion of the amount the site would be placed at the disposal of the communities that wanted it. Is this a very encouraging prospect? I am only suggesting that the Government should view with more favour the development of other classes also. It is not that the Government ought not to encourage the two lakhs of people. As was put forward the other day, it is not with any spirit of antagonism but with the avowed object of educating and uplifting the non-educated section, with a view to make the national unity of the country stronger and grow faster that we should work.

My learned friend Mr. Narasinga Rao said that in the matter of scholarships equal facilities may be given to all classes. At present I am led to think that such facilities are not given to certain students. There are about one lakh of scholarships granted by Government. I should like to know how much of this amount was granted to the lower classes. I do not want any arithmetical division. All that I desire is that the Government should distribute it in an equal manner.

With these observations, I beg to support the proposition.

Rao Bahadur Mr. M. Shama Rao.—SIR,—With reference to the question asked by Mr. Basavaiya regarding the distribution of scholarships, I would only ask whether Mr. Basavaiya has ever looked into the statistics of the distribution of the scholarship amount. I assure the Council that whenever there are any non-Brahmin applicants for scholarships along with the Brahmin candidates the former had almost invariably the first choice, excluding perhaps the Mohammadans who have their own scholarships. Preference is always given to non-brahmins. I may quote in this connection that the number of foreign scholarships awarded was 11 of which 3 were given to non-brahmins. A very responsible Committee had been appointed to go into the question of the selection of candidates for these scholarships and I dare say nobody will accuse that Committee in regard to the distribution.

Mr. M. Basavaiya also accuses Government about the admission of non-brahmins. The difficulty is not that the non-brahmins are refused but that they do not come. If they only come, I shall certainly take them even to the exclusion of Brahmin students. I must deprecate any sort of insinuation or hint against the motives of any responsible Government officer.

Mr. K. S. Chandrasekhara Aiyar.—SIR,—It is not my purpose at this late stage of the discussion to go into the details of the Bill; that has been sufficiently done by the speakers that have gone before me. But on so unique an occasion as the present when a really great step forward is about to be taken for achieving national progress, I do not wish to give an altogether silent vote.

Apart from the support due from me to the Bill as a Member of the Government, I wish to express personally my hearty concurrence with the aims and objects for which this Bill stands and my fervent hope that the methods adopted and the machinery provided, upon which after all a good deal depends, will tend to achieve as far as possible those aims and objects in the fullness of time.

The University about to be established will embody various desirable features—of which I mention one or two which occur to my mind at the moment:

the prominence given to the teaching as distinguished from the merely examining side of the University;

the tutorial system, enforced by residential arrangements ensuring personal supervision by tutors and close and hearty association between professors and pupils;

the provision of a special University entrance class preparatory to the college course proper;

the importance attached to practical and cultural work as opposed to purely literary and academical study;

the encouragement to be afforded to the study of the vernaculars, and this, I trust, not by mere compulsion but by making such study really attractive and profitable;

the provision for imparting physical and moral training; and so forth.

I am sure that the people of the State regardless of classes and communities will rise to the greatness of the occasion, and take full advantage of the opportunities which the Bill about to be passed will freely open to them and those that come after them for achieving efficiency along the varied lines afforded by the University curriculum and determined by the natural talents and the preferences of the pupils.

With these remarks I join in voting in favour of the Bill.

The Yuvaraj.—Mr. PRESIDENT,—As this Bill which will bring into existence an institution that will prove a great land-mark in the history of the State is, after undergoing an exhaustive and critical examination at the hands of this Council, about to receive the unanimous support of this Council and be passed into law, I feel I should be expressing the feelings that are uppermost in the hearts of not only every member present in this Chamber but of every right-thinking man in the State, when I say that we wish the All Benign will bless the University with every success and prosperity and hope it may prove a lasting source of light and happiness to the people of our State. (Cheers.)

Dewan.—GENTLEMEN,—Before I put the motion to the vote, I need only make a few general observations on some of the more important points which have been raised in the course of this debate.

In the first place, I may be permitted to compliment the members of the Council on the ability with which they have discussed the various aspects of the University Scheme, the depth and soundness of many of their observations and the searching character of their enquiries. My colleague Mr. Banerji also wishes to acknowledge the valuable help he received from the members of the Select Committee.

Of the several important points raised in the course of this debate, a good deal of controversy has centered on the question of the exclusive recognition of the Kannada language. I sympathise with the view that, as far as possible, the language of every community within the State should be represented in the curricula of the University. But judged from a utilitarian point of view, you will agree that, by having too many languages, we will be placing an intellectual burden on the population. We shall be spending more time on language than on matter. We shall be dissipating the energies of our people and scattering our force. English is the language of civilization, Kannada is the language of the Court and of the great majority of the population. These two languages should suffice for our purpose. If we have more, it would mean that none of the vernaculars will get a chance of rapid development.

As regards religious training, it would be difficult to satisfy all denominations and the attempt to help to develop religious sentiment through the University would, I fear, end in failure. Later on, Theology may form a separate Faculty if public opinion approves of it. The case of the Hindu University which has been referred to is different. It is professedly a denominational University.

Several minor amendments have been introduced into the Bill with a view to give the Vice-Chancellor a definite position and to retain with Government adequate power to watch over the work and the development of the University in its early stages. Our scheme provides for a new type of University of which the colleges form an integral part. In the British Indian Universities, the colleges are not directly under the University. They are a department supervised by Government. The Vice-Chancellor under our scheme will have duties and responsibilities towards the Senate and Council on the one side and towards Government on the other. Government have responsibilities to discharge in their relations with the Government of India and the neighbouring Universities and it is necessary that they should have an executive head who will be responsible to them.

Some remarks were made on the last occasion about the site selected for the University in the Mysore City. The site has been definitely fixed and the plans and estimates are nearly ready. The new University will be located round the existing college just on the outskirts of the City and, as stated in the scheme, the locality is considered an ideal one for the purpose. I have had the privilege of visiting numerous Universities in England, on the Continent as well as in America and Canada. The great majority of them are situated in populated areas. I do not believe in segregating the students and allowing them to grow up as it were in a cloistered life. They will be at a disadvantage when they come back to the hard realities of this work-a-day world. The aim of the University should be rather to train the character of the students under conditions not entirely different from those which they will have to encounter in later life.

Any scheme that we may devise will be necessarily imperfect at first. Developments should be attempted slowly and cautiously. The buildings must grow. We have to look out for more Professors, both European and Indian, men possessing lofty ideals and a high character. We begin with two Faculties at first and we will probably add Engineering and Commerce next; Agriculture, Law and Medicine may follow. Till the new colleges are built and fully equipped, we may have to be content with granting diplomas or licenses or certificates to students. In the meantime, we may go on developing the bureaus of publication and extension work.

Since we published the University Scheme, many criticisms have been levelled against it as regards the type, faculties and other details. There may be several forms into which a University may be shaped. With the best will in the world, Government can choose but one form. If all the critics met and discussed each other's proposals and formed decisions by a vote of the majority taking into account at the same time the present conditions of education and the resources of the State, I am inclined to think that they would come to nearly the same conclusions that His Highness' Government have now placed before you.

I hope that the appeal made by me on the last occasion for endowments and gifts for the University will receive hearty support from the public.

It is His Highness the Maharaja's wish that this University should grow up into a high class institution and that all officers of Government and the leaders of the people should cordially co-operate to make it so. It is also His Highness' wish that under its fostering care all classes of His Highness' subjects should profit and that it should contribute to the uplift of all strata of society, the rich and the poor, the forward as well as the backward.

Now that we have decided on the form of the University and the scope of its work, may I express the hope that all controversies will be hushed till the sapling takes root? I know that all parties join us in the wish that the University should prove a blessing to the people and a credit to the State.

The motion was then put to vote and passed.

The meeting was then adjourned to 12 noon on Tuesday the 18th July 1916.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Registered No. M—1175.

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The Mysore Gazette.

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 40.

BANGALORE, THURSDAY, OCTOBER 12, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 157—L. C., dated 4th October 1916.

ERRATUM.

In the first line of the last paragraph at page 67 of the Supplement to the *Mysore Gazette* dated 21st September 1916, substitute the figure and words "½ a lakh" for the figure and word "7 lakhs."

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Registered No. M—1175.

The Mysore Gazette

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 40.

BANGALORE: THURSDAY, OCTOBER 14, 1926.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 127—L. C., dated 4th October 1926.

ERRATUM.

In the first line of the last paragraph at page 67 of the Supplement to the Mysore Gazette dated 24th October 1926, substituting the figure and words "24 lakh" for the figure and word "4 lakhs".

By Order,
M. SHAMANNA AYYAR,
Secretary, Mysore Legislative Council.

Registered No. M—1175.

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The Mysore Gazette.

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 42.

BANGALORE, THURSDAY, OCTOBER 26, 1916.

PART III.

Legislative Measures and Rules thereunder.

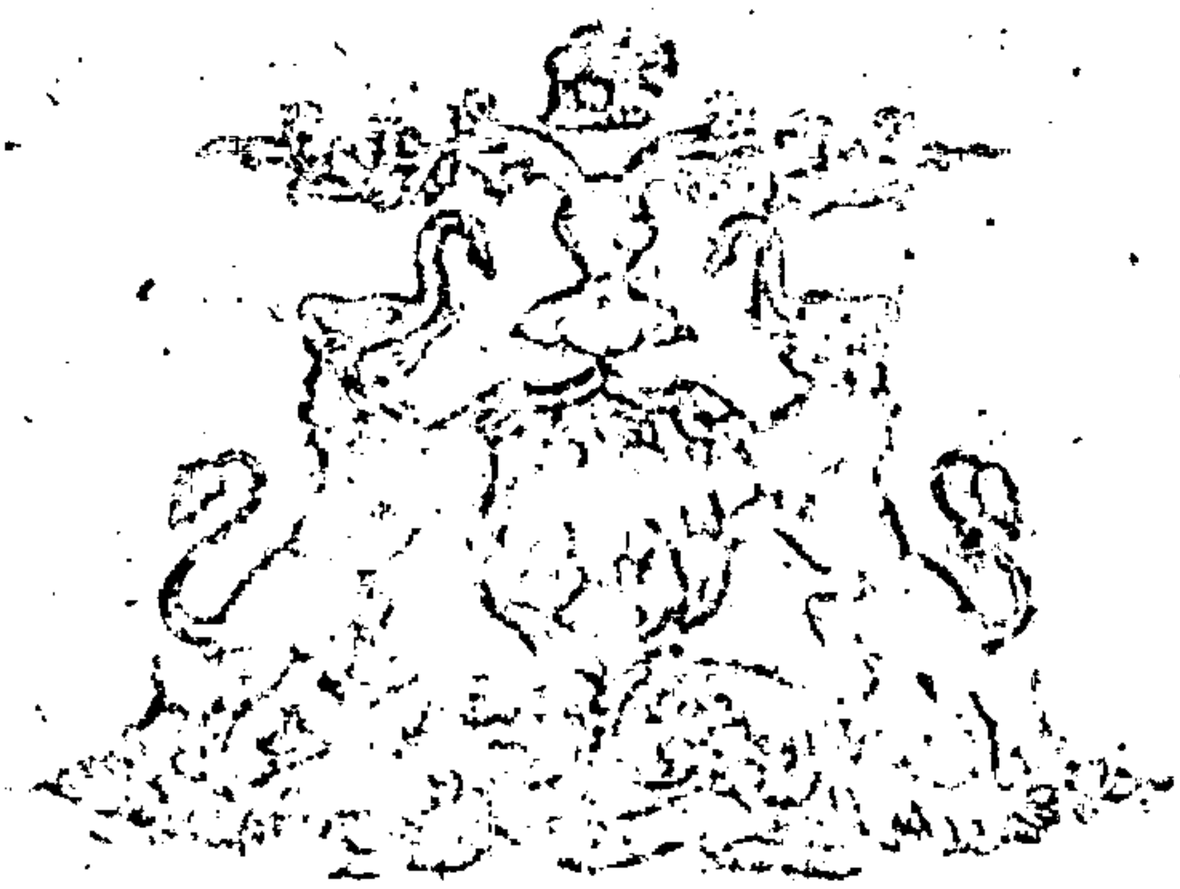
NOTIFICATION.

No. 159—L. C., dated 24th October 1916.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Tuesday the 5th December 1916 at 12 noon.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Registered No. M—1175.



The Mysore Gazette.

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BANGALORE, THURSDAY, OCTOBER 20, 1910.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 1700—L. C. dated 24th October 1910.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Thursday, the 8th December 1910 at 10 noon.

By Order,

G. SHEEKANTHA IYER,

Secretary, Mysore Legislative Council.

Registered No. M—1175.

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The Mysore Gazette.

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 43.

BANGALORE, THURSDAY, NOVEMBER 2, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1480—Legis. 54-15-4, dated 31st October 1916.

In exercise of the powers conferred by the Mysore Village Sanitation Regulation, I of 1898, the Government are pleased to make the following amendment in the rules issued under Government Notification No. Gl. 3206—Legis. 16, dated 29th August 1898.

Between the words "unwholesome" and "fruits" in Rule 2 of Section V of the rules the word "food-grains" shall be inserted.

The rule as amended will read as follows:—

"2. No person shall sell or expose for sale tainted meat or fish or unwholesome food-grains, fruits or vegetables."

By Order,
D. M. NARASINGA RAO,
Secretary to Government,
General Department.

Registered No. M.—1175.

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The Mysore Gazette.

Vol. 51.] PUBLISHED BY AUTHORITY. [No. 45.

BANGALORE, THURSDAY, NOVEMBER 16, 1916.

PART III.

Legislative Measures and Rules thereunder.

The Enemy Trading (Emergency) Regulation.

REGULATION No. VI OF 1916.

(Received the assent of His Highness the Maharaja on the 10th day of November 1916.)

WHEREAS it is expedient to enforce in Mysore the provisions of the Enemy Trading Act, X of 1916, of British India; His Highness the Maharaja is pleased to enact, under Section 15 of the Mysore Legislative Council Regulation, 1907, as follows :—

1. The Enemy Trading Act, X of 1916, shall *mutatis mutandis* be enforced in Mysore as long as and to the same extent as the Act is in force in British India.

2. It shall apply to all subjects of the State whether resident in or out of Mysore, and to all persons resident within the State.

M. VISVESVARAYA,
Dewan of Mysore.

ACT No. X OF 1916.

An Act to prohibit or control trading by hostile foreigners and hostile firms and for other purposes.

WHEREAS it is expedient to take powers further to prohibit or control trading by hostile foreigners and hostile firms and for other purposes; It is hereby enacted as follows:—

Short title and duration.

1. (1) This Act may be called the Enemy Trading Act, 1916.

(2) It shall remain in force during the continuance of the present war, and for a period of six months thereafer.

Definitions.

2. In this Act—

"company" means any company, firm or association, or body of individuals whether incorporated or not;

"hostile foreigner" means a subject of a State for the time being at war with His Majesty, and includes any company constituted according to the laws of such State, and the ruler or Government of any such State; and

"hostile firm" means any of the following, namely: –

(*a*) any hostile foreigner who has, or at any date subsequent to the 3rd day of August, 1914, had, an office, agency or place of business in British India;

(*b*) any company of which any member or officer is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, and which has or has had since that date an office, agency or place of business in British India;

(*c*) any person, or company who or which has, at any time since the 3rd day of August, 1914, carried on business in British India, and whose business is, or was, in the opinion of the Governor General in Council, either by reason of its nature or of the persons who carry or carried it on, or for any other cause whatsoever, carried on either under the control whether direct or indirect of any hostile foreigner, or carried on wholly or mainly for the benefit of hostile foreigners generally, or any class of hostile foreigners or any individual hostile foreigner.

Power to appoint Inspectors.

3. (1) The Governor General in Council may, by general or special order, appoint Inspectors for the purpose of determining whether any business is or was carried on by a hostile firm within the meaning of this Act.

(2) The Inspector may summon before him any person whom he believes to be capable of giving information concerning the trade, dealings, affairs or property of such business, and of the antecedents and nationality of those by whom it is or was carried on or controlled.

(3) The Inspector may examine such person on oath concerning the same, and may reduce his answers to writing, and require him to sign them.

(4) The Inspector may require such person to produce any documents in his custody or power in any way relating to such business or to the persons by whom it is or was carried on or controlled.

(5) If any person so summoned refuses to come before the Inspector at the time appointed, the Inspector may cause him to be apprehended and brought before him for examination.

(6) If any person refuses to answer any question or to produce any document which under this section the Inspector is empowered to ask or require production of, such person shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power to prohibit or restrict, or wind up hostile firms.

4. (1) The Governor General in Council may make an order either—

(*a*) prohibiting any hostile firm from carrying on business, except for the purposes and subject to the conditions, if any, specified in the order; or

(*b*) requiring the business of such firm to be wound up; and may in any case, where he has made an order prohibiting or limiting the carrying on of the business, at any time, if he thinks it expedient, substitute for that order an order requiring the business to be wound up.

(2) Every order made under sub-section (1) shall be published by notification in the *Gazette of India.*

(3) If any person contravenes the provisions of any order made under this section, he shall be punishable with imprisonment which may extend to one year, and shall also be liable to fine.

(4) An order made under this section shall continue in force, notwithstanding the termination of the present war, until determined by order of the Governor General in Council.

Winding up order.

5. (1) Where the Governor General in Council makes an order under this Act requiring a business to be wound up, the order shall, on notification in the *Gazette of India*, have effect as if it were a winding up order made by a Court under the Indian Companies Act, 1913, and the provisions of that Act relating to winding up by the Court and the rules made thereunder subject to such exceptions, restrictions, extensions, modifications and adaptations as the Governor General in Council may, by general or special order, prescribe, or such other rules as may be prescribed by him, shall apply to the winding up of the business:

Provided that, for the purposes of any winding up order under this Act, all powers exercisable by the Court under the said Indian Companies Act shall be exercisable by the Governor General in Council, or by such other authority as he may appoint either generally or specially in that behalf:

Provided also that the assets of the business and any money resulting from the realization of any part thereof shall be dealt with in accordance with such rules as the Governor General in Council may make in that behalf.

(2) Where an order has been made under this Act directing the winding up of the business of a hostile firm, the hostile firm shall not, nor shall any other person, commence or initiate, whilst that order remains in force, any other proceedings of a like nature or calculated in any way to interfere with the carrying out of such order.

Contracts or transfers against the public interest.

6. (1) Where it appears to the Governor General in Council that a contract entered into before or during the war, or a transfer of property, moveable or immoveable, made during the war, with or by a hostile foreigner or a hostile firm is injurious to the public interest, or was made with the object of evading any provision of the law, the Governor General in Council may by order cancel or determine such contract, either unconditionally or upon such conditions as he thinks fit, or declare such transfer to be void either in whole or in part, or may impose such conditions on the transferee as he thinks fit.

(2) The powers conferred by sub-section (1) in respect of transfers of property shall be exercisable also in respect of any subsequent transfer or sub-transfer which, in the opinion of the Governor General, is injurious to the public interest or was made with the object of evading the law.

(3) On the making of an order under this section declaring any transfer or subsequent transfer or sub-transfer to be void, all property, the transfer of which is declared void by such order, shall, with effect from the date of the order, be deemed to be re-vested in the original transferor, or, if a winding up order has been made under section 4 (1) (*b*), in the liquidator.

Power of the Governor General in Council to vest property in Custodian under the Enemy Trading Act,, 1915.

7. (1) The Governor General in Council, in any case where it appears to him to be expedient to do so, may by order vest in any Custodian appointed under the Enemy Trading Act, 1915, any property, moveable or immoveable, belonging to, or deemed to be vested in, or managed or held whether in trust or otherwise, for, or on behalf of, a hostile foreigner, a hostile firm, or any person or company residing in, or carrying on business in the dominions of, a State at war with His Majesty, or the right to transfer that property, and may by any such order or any subsequent order confer on the Custodian such powers of selling, managing and otherwise dealing with the property as to the Governor General in Conncil may seem proper.

(2) A vesting order under this section shall, notwithstanding the provisions of any other law to the contrary, be sufficient to vest in the Custodian any property or the right to transfer any property as provided by the order without the necessity of any further document.

(3) Where, in the exercise of the powers conferred on him by the Governor General in Council, the Custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the company in respect of which a vesting order under this Act has been made, the company may, with the consent of the Governor General in Council, purchase the shares, stock or securities, notwithstanding anything to the contrary in any law or in any regulation of the company, and any shares, stock or securities so purchased may, from time to time, be re-issued by the company.

(4) The transfer by the Custodian of any property shall be conclusive evidence in favour of the transferee and of the Custodian that the requirements of this section have been complied with.

(5) All property vested in the Custodian under this section and the proceeds of the sale of, or money arising from, any such property, shall be dealt with by him in accordance with such directions as he may receive from the Governor General in Council; and no such property or money shall be liable to be attached or otherwise taken in execution.

Validity of vesting orders.

8. Where a vesting order has been made under this Act as respects any property belonging to, or held or managed for, or on behalf of, a person who appeared to the Governor General in Council to be a person to whom the provisions of section 7 were applicable, the order shall not, nor shall any proceedings thereunder or in consequence thereof be invalidated or affected by reason only of such person having, prior to the date of the order, died or ceased to be a person to whom the said provisions were applicable, or subsequently dying or ceasing to be such a person or by reason of its being subsequently ascertained that he was not such a person, as the case may be.

Registration of transfer without production of certificates, etc.

9. Where the Custodian executes a transfer of any shares, stock or securities which he is empowered to transfer by a vesting order made under this Act, the company in whose books the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Custodian, and upon being required by him so to do, register the shares, stock or securities in the name of the Custodian or other transferee, notwithstanding any regulation or stipulation of the company, and notwithstanding that the Custodian is not in possession of the certificate, scrip or other document of title relating to the shares, stock or securities transferred ; but such registration shall be without prejudice to any lien or charge in favour of the company or to any other lien or charge of which the Custodian has express notice.

Power to make rules.

10. (1) The Governor General in Council may make rules for all or any of the following purposes, namely :—

(*a*) providing for the distribution or disposal of any assets, or any money resulting from the realization of any part thereof, of any business in respect of which a winding up order has been made under this Act ;

(*b*) prescribing that hostile foreigners and hostile firms or any class of hostile foreigners or hostile firms shall, when required by the Custodian, furnish to him such particulars as he may require of all or any moveable or immoveable property in their possession, or under their control whether direct or indirect ;

(*c*) requiring persons in British India to furnish to the Custodian such particulars as he may require of all or any class of debts or other property due by them to any person to whom the provisions of section 7 are or may be applicable ;

(*d*) prescribing the remuneration payable to the Custodian in respect of his duties under this Act, the fund from which it shall be paid, and the method of collecting the same ; and

(*e*) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, the Governor-General in Council may direct that a breach of it shall be punishable with imprisonment which may extend to a term not exceeding six months, or with fine which may extend to one-thousand rupees, or with both.

Certain licenses under the Hostile Foreigners (Trading) Order to be deemed to be orders issued under section 4 (1) (*a*).

11. Every license for the time being in force granted under the Hostile Foreigners (Trading) Order permitting the licensee to trade or carry on business subject to conditions or restrictions shall be deemed to be an order made under section 4 (1) (*a*), and this Act shall have effect accordingly.

Power to deal with non-trading companies.

12. (1) The Governor General in Council may, by notification in the Gazette of India, declare that the powers conferred by section 7 in regard to the property, moveable or immoveable, of the persons referred to therein shall extend to the property, moveable or immoveable, in British India, of any company specified in such notification of which any member is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, notwithstanding that such company is not a company trading in British India.

(2) On the publication of a notification under sub-section (1), the company shall be deemed to be a person referred to in section 7 of this Act, and this Act shall have effect accordingly.

Validation of past action.

13. Any act done after the 3rd day of August 1914 by, or under the orders of, any officer of Government in respect of the property, moveable or immoveable, of any hostile foreigner or hostile firm which, if this Act had been in force, could have been validly done in the exercise of the powers conferred thereby, or which could have been conferred thereunder, is hereby validated.

Repeal of Ordinance V of 1916.

14. The Enemy Trading Ordinance, 1916, is hereby repealed.

(Sd.) A. P. MUDDIMAN,
Secretary to the Government of India.

Registered No. M.—1175.

The Mysore Gazette.

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BANGALORE, THURSDAY, DECEMBER 14, 1916.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 254—*L. C., dated* 11*th December* 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Mysore State Life Insurance Bill is published for general information together with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

The Mysore State Life Insurance Bill.

Whereas it is expedient to provide for the payment, in certain cases, of the bonus secured by an insurance in the Mysore State Life Insurance Scheme, without the production of a succession certificate, probate or letters of adminstration to the estate of the deceased insured; His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation may be called the Mysore State Life Insurance Regulation.

Extent.

(2) It shall extend to the whole of Mysore.

Application.

(3) It shall apply to the case of any bonus that may become payable under the rules of the scheme to the insured or his nominee or heir on or after the date of the passing of this Regulation.

Definition.

2. In this Regulation unless there is anything repugnant to the subject or context,—

(1) "Insured" means any person on whose life an insurance has been effected with the Mysore State Life Insurance Committee and has been accepted by them:

(2) "Bonus" means the amount secured by the insurance as becoming payable to the insured or his nominees or heirs according to the rules framed by Government from time to time in this behalf.

Payment on death of the insured.

3. When the insured dies, the officer whose duty it is to make payment of the bonus may pay it—

(*a*) to any person nominated by the insured according to the rules framed by Government in this behalf;

(*b*) in default of any such nomination, to the person who produces a succession certificate, or probate or letters of administration obtained under the law in force claiming to be entitled to receive such sum provided that where the sum payable does not exceed one thousand rupees, payment may be made to such person as the President and Secretary of the Insurance Committee, after reasonable enquiry, find to be entitled to receive it.

Protection for anything done under this Regulation.

4. No suit or other legal proceeding shall lie against any person in respect of anything done in pursuance of the provisions of this Regulation.

STATEMENT OF OBJECTS AND REASONS.

Under Rule 23 of the Mysore State Life Insurance Rules, when an insured dies without nominating any person, the bonus is payable to his heirs. On account of the delay, trouble and expense involved in obtaining a certificate of succession, the heirs do not in many cases derive immediately the full benefits of the scheme. It is accordingly proposed to exempt persons entitled to the sum from the production of a certificate of succession in cases where the amount does not exceed one thousand rupees. Provision has been made in such cases for payment to the person found entitled to the amount after enquiry. It is necessary in such cases that the Committee should be absolved from liability if any error is committed and payment is made to a wrong party. The Bill is framed to achieve these objects.

No. 255—L. C., dated 11th December 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the following Bill to prevent the spreading of Plant Disease is published for general information together with a statement of objects and reasons.

By Order,

G. SREENIVASA IYER,

Secretary, Mysore Legislative Council.

A Bill to prevent the spreading of Plant Disease.

Whereas it is expedient to make provision for preventing the spreading of plant disease; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. This Regulation may be called the destructive Insects and Pests Regulation;

It shall extend to the whole of Mysore and it shall come into force at once.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "crops" includes all agricultural or horticultural crops, and trees or bushes or herbs, the fruit or any other part of which is used for food of man or beast or for any purpose in connection with art or manufactures:

(*b*) "infection" means infection by an insect, fungus or other pest injurious to a crop:

(*c*) "plant disease" means any deterioration or destruction of any plant or part of a plant whether such deterioration or destruction is due to disease, insects, fungus or any other cause and whether communicable or otherwise.

Power of Government to declare infected districts or areas.

3. Government may, by notification in the official Gazette, declare any district, area or place within Mysore to be a place infected with a plant disease, during a period to be fixed in such notification.

Power of Government to make rules.

4. Government may, by notification in the official Gazette, make rules or orders for all or any of the following:—

(*a*) For the detention, inspection, disinfection or destruction of any article or class of articles in respect of which a notification has been issued under section 3 or of any article which may have been in contact or proximity thereto, and for regulating the powers and duties of the officers whom it may appoint in this behalf;

(*b*) for prescribing or regulating the destruction, removal, uprooting, disposal or treatment of crops or product of a vegetable nature within an infected district, area or place;

(*c*) for prescribing and regulating the cleansing and disinfecting of infected places or areas or parts thereof;

(*d*) for prescribing the period within which it will not be lawful to plant or re-plant with any crop whatsoever or with any particular kind of crop the whole or any portion of an infected district, area or place;

(*e*) for prohibiting or regulating the movement temporarily of earth, soil, manure, vegetable products or other things into or out of an infected district, area or place; and

(*f*) generally for the preventing in any manner of the spread within the State of any plant disease.

Penalty.

5. For every breach of a rule or order made under this Regulation, the offender on conviction by a magistrate shall be liable to a fine not exceeding rupees five hundred.

No suit, prosecution, etc., against a person acting in good faith under this Regulation.

6. No suit, prosecution or other legal proceeding shall lie against any person for anything, in good faith, done or intended to be done under this Regulation.

STATEMENT OF OBJECTS AND REASONS.

This Bill is the outcome of a representation made by the Director of Agriculture in Mysore. It gives power to Government to take steps to eradicate or prevent the spread of plant disease. Action under the Bill would be taken in respect of certain crops only or in certain areas only as may be found necessary from time to time.

Registered No. M.—1175.

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BANGALORE, THURSDAY, DECEMBER 21, 1916.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. VIII OF 1916.

A Regulation further to amend the Mysore Land Revenue Code, 1888.

(Received the assent of His Highness the Maharaja on the 14th day of December 1916.)

WHEREAS it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows :—

Substitution of a new section for section 54 of the Regulation.

For Section 54 of the Regulation, the following new section shall be substituted, *viz* :—

Land Revenue a paramount charge on land.

"54. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233, and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by transfer to another person or otherwise howsoever, except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created by the occupant or holder or any of his predecessors in title or in anywise subsisting as against such occupant or holder."

M. VISVESVARAYA,
Dewan.

NOTIFICATION.

No. J. 2097—Legis. 15-16-3, dated 13th December 1916.

In exercise of the powers conferred by Section 10 of the Enemy Trading Act, 1916 (X of 1916), as introduced into Mysore by Regulation VI of 1916, the Government of His Highness the Maharaja are pleased to make the following rules :—

Short title.

1. These rules may be called the Registration of Enemy Property Rules.

Definitions.

2. (1) In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Enemy" means any person, or company residing or carrying on business in the dominion of any State at war with His Majesty;

(*b*) "Enemy Property" means any property, movable or immovable, belonging to, or managed or held whether in trust or otherwise for or on behalf of an enemy, and includes the right to transfer that property;

(*c*) "Dividends, interest or share of profits" includes any of the following, namely:—

(*i*) Any dividends, bonus or interest in respect of any shares, stock, debentures, debenture stock or other obligations of any company;

(*ii*) Any interest in respect of any loan to a firm or person carrying on business for the purposes of that business, and any profits or share of profits of such a business.

(*iii*) Where a person is carrying on any business in Mysore on behalf of an enemy, any money which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business.

(*iv*) Any money which, had a state of war not existed, would have been payable or paid in Mysore to enemies,

(1) in respect of interest on securities of or issued by or on behalf of the Government of His Highness the Maharaja or the Government of India or His Majesty's Government or the Government of any of His Majesty's dominions or any foreign Government or of or issued by or on behalf of any company, or

(2) by way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise, being such securities as aforesaid.

(*d*) "Custodian" means the Revenue Commissioner in Mysore.

(*e*) "Prescribed period" means three months from the date of this Notification.

(2) Words and expressions used in these rules shall, unless the contrary intention appears, have the same respective meanings as in the Enemy Trading Act, 1916, introduced into Mysore by Regulation VI of 1916.

Classes of returns specified.

3. There shall be six classes of returns of enemy property, namely,

(1) Returns showing particulars of dividends, interest, or share of profits due to enemies.

(2) Returns showing particulars of property of enemies [other than property included in (3) (4) and (6)].

(3) Returns showing particulars of shares, stock, debentures, debenture stock or other obligations or any share of profits or interest belonging to

or held whether in trust or otherwise for or on behalf of or by or due to enemies.

(4) Returns showing particulars of property held for safe custody on behalf of enemies.

(5) Returns showing particulars of income received from property already recorded with the Custodian in accordance with these rules and held for or on behalf of or in trust for enemies.

(6) Returns showing particulars of debts, bank deposits and bank balances due to or held for or on behalf of or in trust for enemies.

These returns shall respectively be in Form A, Form B, Form C, Form D, Form E and Form F of the forms given in the Schedule annexed to these rules.

Returns in Form A.

4. Every person, or company residing or carrying on business in Mysore by whom or which any money, if a state of war had not existed, would have been payable or paid to or for the benefit of an enemy by way of dividends, interest or share of profits shall, within the prescribed period, or if such money becomes payable after the expiry of that period, then within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form A.

Returns in Forms B. and D.

5. Save as otherwise provided in these rules, every person or company residing or carrying on business in Mysore, who or which has in his or its possession or control any enemy property shall, within the prescribed period, or if the property comes into his or its possession or control after the expiry of that period, then within one month after the time when it comes thereinto, communicate to the Custodian full particulars of such property (*i*) in Form D in the case of property held for safe custody, and (*ii*) in Form B in the case of property held otherwise.

Returns in Form F.

6. The provisions of Rule 5 shall also apply to balances and deposits standing to the credit of enemies at any bank, and to debts which are due or which, had a state of war not existed, would have been due to enemies, and such bank or debtor shall be bound to make the communication prescribed by that rule, save that particulars of such balances, deposits or debts shall be communicated in Form F.

Returns in Form C.

7. Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore shall, within the prescribed period, communicate to the Custodian in Form C full particulars of all shares, stock, debentures, debenture stock, or other obligations of the company which are enemy property, and the partners or partner or manager of every firm, carrying on business in Mysore one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purposes of the business of the firm by a person who so became an enemy, shall, within the prescribed period, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies or enemy.

Returns in Form E.

8. Where a return of any enemy property has been made to the Custodian in Form B or Form D, particulars of any income derived from such property during each quarter after the expiry of the prescribed period shall be communicated to the Custodian in Form E within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return, the fact shall be reported to the Custodian in the same Form within the period aforesaid.

Changes of lien on property to be reported.

9. Where a return of any enemy property has been made to the Custodian in Form B, any change in respect of any lien on the property claimed by any person making the return shall also be reported to that officer in the same Form within one month after the change has occurred or has been effected.

Responsibility for making returns on behalf of companies or firms.

10. Every director, manager, secretary or officer of a company, and every partner of a firm to which the provisions of these rules apply shall be responsible for communicating to the Custodian the particulars prescribed.

Explanation.—In the case of payments specified in Rule 2 (1) (*c*) (*iv*) (1), the duty of making the prescribed return shall rest with the person, firm or company through whom the payments in Mysore are made.

Registers of returns open to public inspection.

11. The Custodian shall record in a register or registers all property, returns whereof have been made to him under the foregoing rules, and such register or registers may be inspected by any person who, in the opinion of the Custodian, is interested as a creditor or otherwise.

Penalty for infringement of the rules.

12. Any person, who, under these rules is bound to perform any act and who fails to perform such act within such time as may be specified in the rules, shall, in the absence of reasonable execuse the burden of proving which shall lie upon such person, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both.

By Order,
D. M. NARASINGA RAO,
Secretary to Government,
General Department.

SCHEDULE.

[*Rule 3.*]

FORM A.

Ref. No. A. _____

[*Rule 4.*]

From (*Name*) _____

(*Address*) _____

_____

(*Date*) _____

To

The Custodian of Enemy Property,

_____

Return showing particulars of dividends, interest, or share of profits due to enemies.

[*N.B.*—For the purpose of this return "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Full name of enemy to whom due. (Surname first.)	Full address.	Description of Dividends, Interest, or Share of Profits.	Period in respect of which Dividends, Interest, or Share of Profits are payable.	Amount.		
				£.	s.	d.

FORM B.

[*Rules 5 and 9.*]

To

The Custodian of Enemy Property,

_____

Ref. No. B. _____

From (*Person by whom held*)

(*Name*) _____

(*Address*) _____

_____

Nature of Lien claimed if any _____

Date _____

Return showing particulars of property of enemies other than those to be returned in Forms C, D and F.

[*N.B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Full name of Person for whom held (surname first).	Full address of Person for whom held.	(Each item to be stated separately.) Immovable property.		Movable property.		
		Full description of any Landed Property held.	Approximate Capital value.	Full description of any Personal Property held.	Nominal value.	Approximate Annual Income.
		Total or Carried forward £		Total or Carried forward £		

FORM C.

[*Rule 7.*]

Ref. No. C. _____

To

The Custodian of Enemy Property,

_____

From (*Name*) _____

(*Address*) _____

_____

Nature of Business _____

If a Company issued Capital _____

Date _____

Return showing particulars of shares, stock, debentures, debenture stock or other obligations, share of profits, or interest belonging to or held whether in trust or otherwise for or on behalf of or by or due to enemies.

[*N.B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Names of Shareholder or Partner for whom held. (Surname first.)	Address of such person.	Where a Company makes the Return.				Where a Partner makes the Return.						
		Description of Shares, Stock, Debentures or Debenture Stock held for each Enemy Shareholder, etc.	Nominal value of each holding.			Enemy Capital.			Interest or Share of Profits.			Period covered by Interest or Share of Profits.
		Brought forward £.	£.	s.	d.	£	s.	d.	£.	s.	d.	

FORM D. Ref. No. D._____

[*Rule* 5.]

To

CUSTODIAN OF ENEMY PROPERTY,

_____

Form (*Name*)_____

(*Address*)_____

_____

(*Description*)_____

Date _____

Return showing particulars of property held for safe custody on behalf of enemies.

N.B.—(1) Where not known, the contents of sealed boxes, packages, etc., need not be ascertained.

(2) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Name of person for whom held	Address	Description of property held	Estimated Value (if known)		
			£	s.	d.
		Total, or carried forward £ ...			

FORM E. Ref. No. E._____

(QUARTERLY RETURN OF INCOME.)

[*Rule* 8.]

From (*Person by whom held*)

To

THE CUSTODIAN OF ENEMY PROPERTY,

_____

(*Name*)_____

(*Address*)_____

_____

*Nature of Lien claimed (if any)*_____

(*Date*)_____

Return showing particulars of income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.

N.B.—(1) This form must not be returned by a company or firm in respect of dividends, coupons presented under license, interest or share of profits due to enemy shareholders or partners, in which cases Form A will apply.

(2) If no income has been received since date of previous return, the fact should be recorded and the order returned to the Custodian.

(3) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

(4) For the purpose of the return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Full name of person for whom held (surname first)	Full address of person for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received since date of last return	Full description of any movable property held in respect of which income has been received	Amount of income received since date of last return
		Total or Carried forward £		Total or Carried forward £	

Form F. Ref. No. F.——

[*Rule 6*].

To

The Custodian of Enemy Property,

——

From (*Person by whom held*)

(*Name*)——

(*Address*)——

——

Nature of Lien claimed (if any)——

Date——

Return showing particulars of Debts, Bank Deposits and Bank Balances due to, or held for or on behalf of, or in trust for enemies.

N. B.—(1) This form must not be returned by a company or firm in respect of enemy shareholders or partners, in which cases Form C will apply.

(2) For the purpose of this return "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Full name of person to whom due, or for whom held (surname first)	Full address of person to whom due, or for whom held	Movable property (Each item to be stated separately.)						
		Nature of Debt, deposit or balance	Amount			Amount and particulars of Lien (if any)		
			£.	s.	d.	£.	s.	d.
		Total, or carried forward						

No. 3869—Ml. 74-16-4, dated 15th December 1916.

Add the following after "persons" in line 2 of Rule 4 of "the Municipal Election Rules, 1909."

"who are subjects of Mysore or of any other State in India and all British Subjects,"

The rule, as altered shall stand as follows:—

"Unless disqualified under Section 21 of the Regulation by being less than 21 years of age, all persons who are subjects of Mysore or of any other State in India and all British Subjects, qualified as voters under Section 12 (*a*) and (*b*) of the Regulation and the following persons of the male sex, shall be entitled to have their names entered in the list of voters, *viz.*:—" etc.

By Order,
L. KRISHNA RAO,
Offg. Secretary to Government,
Revenue Department.

No. 3870—L. B. 66-16-6, dated 15th December 1916.

Add the following after the word "years" in the second line of clause (1) of Rule 10 of the Rules issued under the Local Boards Regulation, II of 1902.

"who is a subject of Mysore or of any other State in India or a British Subject",

The rule as amended shall read as follows :—

10. (1) Every male person of the full age of twenty-one years who is a subject of Mysore or of any other State in India or a British Subject, and of sound mind, and either—

(i) holding or owning land in a group of villages in the taluk assessed at not less than Rs. 50 per annum, or

(ii) duly appointed to officiate as patel of any village in a group of villages in the taluk, or

(iii) paying a house tax under these rules of not less than Rs. 5 per annum in a group of villages in the taluk, shall be entitled to vote at the election of a member of the Taluk Board for such group of villages.

(2) Subject to the provisions of Rule 15, any person who is qualified under clause (1) of this rule and who, in addition, can read and write, shall be qualified for election or appointment as a Member of the Taluk Board of the taluk where he ordinarily resides.

By Order,
L. KRISHNA RAO,
Offg. Secretary to Government,
Revenue Department.

REGULATION No. VII OF 1916.

A Regulation for the Registration, Surveillance and Control of Criminal Tribes.

(Received the assent of His Highness the Maharaja on the 14th day of December 1916.)

Whereas it is expedient to provide for the registration, surveillance and control of criminal tribes; His Highness the Maharaja is pleased to enact as follows :—

PRELIMINARY.

Short title, extent and commencement.

1. (1) This regulation may be called the Criminal Tribes Regulation, 1916;

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

Definition.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3;

(2) "prescribed" means prescribed by rules under this Regulation; and

(3) "tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

NOTIFICATION OF CRIMINAL TRIBES.

Power to declare any tribe, gang or class a criminal tribe.

3. If the Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may, by notification in the official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Regulation.

REGISTRATION OF MEMBERS OF CRIMINAL TRIBES.

Registration of members of criminal tribes.

4. The Government may direct the District Magistrate to make, or to cause to be made, a register of the members of any criminal tribe or of any part thereof within his district.

Procedure in making register.

5. Upon receiving such direction, the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of such criminal tribe, or of such part thereof as is directed to be registered,—

(*a*) to appear at a time and place therein specified before a person appointed by him in this behalf;

(*b*) to give to that person such information as may be necessary to enable him to make the register; and

(*c*) to allow their finger impressions to be recorded:

Provided that the District Magistrate may exempt any individual member of such criminal tribe or part thereof from registration.

Charge of register.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

Alterations in register.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by, or by the order in writing of, the District Magistrate.

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned—

(*a*) to appear before him or a person appointed by him in this behalf at a time and place therein specified;

(*b*) to give him or such person such information as may be necessary to enable him to make the entry; and

(*c*) to allow his finger impressions to be recorded.

Complaints of entries in register.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Power to take finger impressions at any time.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger impressions of a registered member of a criminal tribe to be taken.

Members of criminal tribes to report themselves or notify residence.

10. The Government may, by notification in the official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner—

(*a*) report himself at fixed intervals; or

(*b*) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

RESTRICTION OF MOVEMENTS OF CRIMINAL TRIBES.

Procedure when deemed expedient to restrict movements of, or settle, criminal tribes.

11. (1) If the Inspector-General of Police considers that it is expedient that any criminal tribe should be—

(*a*) restricted in its movements to any specified area, or

(*b*) settled in any place of residence, he may report the case for the orders of Government.

(2) Every such report shall state—

(i) the nature and the circumstances of the offences, in which the members of the criminal tribe are believed to have been concerned, and the reasons for such belief;

(ii) whether such criminal tribe follows any lawful occupation and whether such occupation is in the opinion of the Inspector-General of Police, the real occupation of such criminal tribe, or a pretence for the purpose of facilitating the commission of crimes, and the grounds on which such opinion is based;

(iii) the area to which it is proposed to restrict the movements of such criminal tribe, or the place of residence in which it is proposed to settle it; and

(iv) the manner in which it is proposed that such criminal tribe shall earn its living within the restricted area or in the settlement, and the arrangements which are proposed to be made therefor.

Notification restricting movements of, or settling, tribe.

12. If, on the consideration of any such report, the Government is satisfied—

(*a*) that it is expedient to restrict the movements of such criminal tribe, or to settle it in a place of residence, and

(*b*) that the means by which such criminal tribe shall earn its living are adequate,

the Government may publish in the official Gazette a notification declaring that such criminal tribe shall be restricted in its movements to the area specified or shall be settled in the place of residence specified.

Power to vary specified area or place of residence.

13. The Government may at any time by a like notification vary the terms of any notification published by it under section 12 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

Verification of presence of members of tribe within prescribed area or place of residence.

14. Every registered member of a criminal tribe, whose movements have been restricted or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Transfer of register in certain cases.

15. When the area to which the movements of a criminal tribe or any members thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in sections 7, 8 and 9.

SETTLEMENTS AND SCHOOLS.

Power to place tribe in settlement.

16. The Government may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof, in respect of which a notification has been published under section 12.

Power to place children in schools and to apprentice them.

17. (1) The Government may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been published under section 12.

(2) For the purposes of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

(3) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

Power to discharge or remove persons from settlement or school.

18. The Government or any officer authorised by Government in this behalf may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the State,—

(*a*) to be discharged, or

(*b*) to be removed to some other like settlement or school in the State.

Tribe, gang or class declared criminal outside Mysore.

19. When any tribe, gang or class has been declared as a criminal tribe outside Mysore, the Government may, by a notification in the official Gazette declare that the provisions of section 20 shall apply to such tribe, gang or class.

Procedure when any tribe or gang or class declared criminal under section 19 is found in Mysore.

20. (1) No tribe, gang or class or any member thereof declared criminal under section 19 shall enter Mysore without a written permit signed by the Inspector-General of Police.

(2) Any Police officer not below the rank of an officer in charge of a Police Station may direct any person found in Mysore contrary to the provisions of sub-section (1) by a written order to leave Mysore within a week.

(3) Any person found in Mysore after the period provided for in sub-section (2) shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both, and shall also be liable to be sent out of Mysore on the expiry of the sentence.

RULES.

Power to make rules.

21. (1) The Government may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate :—

(*a*) the form and contents of the register prescribed in section 4 ;

(*b*) the mode in which the notice prescribed in section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village-watchmen and land-owners or occupiers of the village in which such persons reside, or the agents of such land-owners or occupiers, shall be informed of its publication ;

(*c*) the addition of names to the register and the erasure of names therein, and the mode in which the notice prescribed in section 7 shall be given ;

(*d*) the mode in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence or any absence or intended absence ;

(*e*) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under section 12 or section 13 ;

(*f*) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted ;

(*g*) the conditions to be inserted in any such pass in regard to—

(i) the places where the holder of the pass may go or reside ;

(ii) the persons before whom, from time to time, he shall be bound to present himself ; and

(iii) the time during which he may absent himself ;

(*h*) the place and time at which and the persons before whom members of a criminal tribe shall attend in accordance with the provisions of section 14 ;

(*i*) the inspection of the residences and villages of any criminal tribe ;

(*j*) the terms upon which registered members of criminal tribes may be discharged from the operation of this Regulation ;

(*k*) the management, control and supervision of industrial, agricultural or reformatory settlements aud schools;

(*l*) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour;

(*m*) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove; and

(*n*) the mode in which the permits specified in section 20 may be obtained and the conditions which may be entered in such permits with regard to—

(1) the place to which the holder of the permit may go or in which he may reside,

(2) the persons to whom he should report himself from time to time, and

(3) the period for which he may reside in Mysore.

PENALTIES AND PROCEDURE.

Penalties for failure to comply with terms of notice under section 5 or 7.

22. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,—

(*a*) fails to appear in compliance with a notice issued under section 5 or section 7, or

(*b*) intentionally omits to furnish any information required under those sections, or

(*c*) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or

(*d*) refuses to allow his finger impressions to be taken,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalties for breach of rules.

23. (1) Whover, being a registered member of a criminal tribe, violates a rule made under clause (*e*), clause (*f*) or clause (*g*) of section 21 shall be punishable with imprisonment for a term which may extend,—

(*a*) on a first conviction, to one year,

(*b*) on a second conviction, to two years, and

(*c*) on any subsequent conviction, to three years.

(2) Whoever, being a registered member of criminal tribe, violates a rule made under any other clause of section 21 shall be punishable,

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees or with both, and

(*b*) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

24. (1) Whoever, being a member of any criminal tribe, and, having been convicted of any of the offences under the Indian Penal Code specified in the Schedule, is hereafter convicted of the same or any other offence specified in the said Schedule, shall in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,—

(*a*) on a second conviction, with imprisonment for a term of not less than seven years, and

(*b*) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for registered members of criminal tribe found under suspicious circumstances.

25. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court—

(*a*) that he was about to commit, or aid in the commission of, theft or robbery, or

(*b*) that he was waiting for an opportunity to commit theft or robbery,

shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits.

26. (1) Whoever, being a registed member of a criminal tribe,—

(*a*) is found in any part of Mysore, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(*b*) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police officer, village headman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be), there to be dealt with in accordance with this Regulation or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Regulation:

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

Duties of village headmen, village watchmen and owners or occupiers of land to give information.

27. (1) Every village headman and village watchman in a village in which any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of:—

(*a*) the failure of any such person to appear and give information as directed in section 5; or

(*b*) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and village watchman in a village, and every owner or occupier of land or the agent of such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

Penalty for breach of such duties.

28. Any village headman, village watchman, owner or occupier of land or the agent of such owner or occupier, who fails to comply with the requirements of section 27, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

SUPPLEMENTAL.

Bar of jurisdiction of Courts in questions relating to notifications under sections 3, 12 and 13.

29. No Court of justice shall question the validity of any notification published under the provisions of section 3, section 12 or section 13 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

THE SCHEDULE.

(See Section 24.)

CHAPTER XII.

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457 Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
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460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

M. VISVESVARAYA,
Dewan.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Public Offices Buildings, Bangalore, on Tuesday the 5th December 1916, at 12 noon.

PRESENT.

SIR M. VISVESVARAYA, B.A., L.C.E., M.INST.C.E., K.C.I.E., Dewan (Presiding).

Ex-officio Members.

1. RAJASEVADHURINA M. KANTARAJ URS, ESQ., B.A., C.S.I., First Member of Council.
2. A. R. BANERJI, ESQ., C.I.E., M.A., I.C.S., Second Member of Council.

Additional Members.

Official.

1. RAJAMANTRAPRAVINA DEWAN BAHADUR J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S.
2. RAJASABHABHUSHANA DEWAN BAHADUR C. SRIKANTESVARA AIYAR, ESQ., B.A., B.L.
3. RAO BAHADUR M. SHAMA RAO, ESQ., M.A.
4. P. RAGHAVENDRA RAO, ESQ., B.A., B.L.
5. D. M. NARASINGA RAO, ESQ., B.A., B.L.
6. C. S. BALASUNDARAM IYER, ESQ., B.A.
7. C. S. DORASWAMI IYER, ESQ., B.A., B.L.

Non-official.

1. RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, ESQ.
2. H. NARASINGA RAO, ESQ.
3. B. V. RAMASWAMI CHETTY, ESQ., B.A.
4. NAWAB GULAM AHMAD KALAMI, ESQ.
5. M. BASAVA IYA, ESQ., B.A., B.L.
6. B. NARASINGA RAO, ESQ.
7. M. KARNICK KRISHNAMURTI RAO, ESQ.
8. C. NARASIMHAIYA, ESQ., B.A., B.L.
9. B. K. GARUDACHAR, ESQ.
10. M. VENKATAKRISHNAIYA, ESQ.
11. B. VENKATASHAMANNA, ESQ., B.A., B.L.
12. S. SEETHARAMAIYA, ESQ.
13. M. CHENGIAH CHETTY, ESQ., B.A.

ABSENT.

Official.

1. K. S. DORASWAMY IYER, ESQ.

G. SREENIVASA IYER, ESQ., B.A., M.L. (Secretary).

Secretary's Report to Council.

I. Secretary reported to the Council—

(i) that the Mysore University Bill received the assent of His Highness the Maharaja on the 22nd day of July 1916, and

(ii) that Messrs. D. M. Narasinga Rao, B.A., B.L., and M. Chengiah Chetty, B.A., took their seats as additional members of the Council to-day.

Questions and Answers.

1. **Mr. B. Narasinga Rao, asked.**—Will Government be pleased to state—

(*a*) whether they are aware of the prosecution of Mr. B. Garudachar, B.A., B.L., under section 411, Indian Penal Code for receiving Rs. 50 in current coins as his fees;

(*b*) whether they have perused the orders passed by the Chief Court in Criminal Revision Case No. 5 of 1916-17 quashing the proceedings before the District Magistrate of Kolar;

(*c*) whether they have taken any action regarding the officers responsible for instituting the prosecution; and

(*d*) whether, if not, they will institute a thorough enquiry into the conduct of the officers concerned and deal with them in a suitable way?

Mr. A. R. Banerji, M.A., I.C.S. C.I.E., replied.—(*a*) & (*b*) The answer is in the affirmative.

(*c*) & (*d*) Needful enquiries have been made and the case is engaging the consideration of Government.

2. **Mr. B. Narasinga Rao, asked.**—(*a*) Will Government be pleased to state the principles guiding the grant of local allowances to some of the Amildars and the Munsiff of Kolar Gold Fields?

(*b*) Considering the costly nature of the living, the climatic conditions and the reluctance of officers to stay in Seringapatam, will Government be pleased to grant a local allowance of Rs. 50 each to the Amildar and the Munsiff?

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti, M.A., F.R.A.S., replied.—(*a*) The attention of the member is invited to article 20 of the Mysore Service Regulations.

(*b*) The proposal will be considered by Government.

3. **Mr. M. Karnick Krishnamurti Rao, asked.**—(*a*) Will Government be pleased to state—

(i) the progress achieved by the Bangalore-Kunigal Steam Tramway Company Limited;

(ii) the control they exercise over the affairs of the Company;

(iii) the total amount of subscription collected up to the end of October 1916; and

(iv) the time allowed to the Company for commencing the construction?

(*b*) If the Company does not start work within the stipulated time, will Government be pleased to empower the District Board of Bangalore to construct railway from Bangalore to Kunigal *via* Magadi?

Mr. D. M. Narasinga Rao, B.A., B.L., replied.—(*a*) (i) Surveys have been completed and project report and estimates are under preparation. Owing to the stringency of the money market due chiefly to the war, no appreciable progress has been made in the collection of shares.

(ii) Government could exercise certain powers under the Railway Regulation provided it is made applicable to tramways under section 127.

(iii) The total amount collected up to the end of September 1916 is Rs. 25,297. The figures for October 1916 are not available.

(iv) Eighteen months from the date of the order, *viz.*, 6th April 1914.

(*b*) The Company have asked for further time. The question is under consideration.

4. Mr. M. Karnick Krishnamurti Rao, asked.—Has the attention of Government been drawn to the unsatisfactory state of Sri Someswara temple near Magadi in which the idol was damaged and removed by a Mahomedan two years ago?

Will Government be pleased to order its immediate repair under the Ancient Monument Preservation Rules in memory of the late Palegar Kempegowda?

Rajasevadhurina Mr. M. Kantaraja Urs, B.A., C.S.I., replied.—Government are aware that a Mahomedan who was not of sane mind at the time, removed one of the idols and disfigured another. They have already sanctioned the purification of the temple and the consecration of fresh idols. The question of bringing the temple under the Ancient Monument Preservation Rules will be considered.

5. Mr. S. Seetharamaiya, asked.—Will Government be pleased to state—

(*a*) whether they are aware that a large number of students were refused admission into the Central College Hostel last year;

(*b*) how many boarders can be accommodated in the Hostel and how many are actually accommodated;

(*c*) whether the adjoining pond which breeds mosquitoes and whether Kitchetty's Choultry where theatrical performances take place and from which infection is generally carried to the Hostel premises are not sources of danger to the students occupying the Hostel; and

(*d*) whether they will take urgent steps to remedy these defects by adding to the Hostel a reasonably sufficient number of rooms, filling the pond in question, and acquiring the Kitchetty Choultry premises and adding them on to the College Hostel yard?

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti, M.A., F.R.A.S., replied.—(*a*) The applications of 120 students for admission to the Hostel were registered. Fifty-three were newly admitted and sixty-seven were refused admission. About forty applications were not registered, there being no chance of admission in consequence of want of accommodation.

(*b*) Ninety-six boarders can be accommodated in the two Hostel blocks. One hundered and seven are messing in the Hostel, of whom eleven are lodged in either the college tiffin rooms or the Y. M. C. A.

(*c*) This pond remains dry during the greater part of the year and has not been hitherto represented to be a source of danger to the neighbourhood.

Kitchia Chetty's chattram has been acquired by Government, and the P. W. D. has been asked to take action to have the buildings completely evacuated.

(*d*) The question of providing additional Hostel accommodation is under consideration in connection with the University. The estimates of buildings required at Mysore have already been sanctioned by Government in their Order No. 1765-70—P. W. 8660-65, dated 18th August 1916 and those for Bangalore also will be sanctioned separately.

6. Mr. S. Seetharamaiya, asked.—(*a*) Are Government aware—

(i) that though a portion of the capital for the Shimoga District Board Railways was collected two years ago, no shares have yet been allotted, no debentures issued and the promised biennial interest has not been paid to the subscribers; and

(ii) that this delay has caused discontent among the subscribers and discouraged people from taking shares?

(*b*) Will Government be pleased to call upon the authorities concerned to expedite matters?

Mr. A. R. Banerji, M.A., I.C.S., C.I.E., replied.—(*a*) (i) The answer is in the affirmative.

(ii) Government are not aware that any dissatisfaction has been caused.

(*b*) It is reported that 450 debenture bonds and 1,069 *ad interim* interest orders will be issued shortly.

Mr. H. Narasinga Rao, asked.—Will Government be pleased to lay down a definite and suitable scheme for the education of our girls, keeping in view as far as possible, the traditional sentiments and the aspirations of our people?

Rajamantrâpravina Dewan Bahadur Mr. J. S. Chakravarti, M.A., F.R.A.S., replied.—The attention of the member is invited to Government Order No. 414-26—Edn. 152-13-7, dated 10th July 1914 on the improvement of female education in the collegiate and secondary grades.

Any specific suggestion which might be made in regard to this subject will receive due consideration.

8. Mr. H. Narasinga Rao, asked.—Will Government be pleased to state—

(*a*) what the average yield of an acre of land under cultivation in Mysore is;

(*b*) whether this average yield compares favourably with that in the neighbouring British territory;

(*c*) If the answer to (*b*) is in the negative, what the economic causes for the unfavourable condition are; and

(*d*) what steps have been taken or will be taken to remedy the defect?

Mr. A. R. Banerji, M.A., I.C.S., C.I.E., replied.—(*a*) A copy of Government Order R. 6163-71—Agri. 102-09-7, dated 1st May 1912 * containing the standard rates of produce per acre of the principal crops in the State as tentatively approved by Government is placed on the table.

(*b*) A statement† embodying such information as is available is placed on the table.

(*c*) & (*d*) The outturn depends upon soil, locality and variety of other conditions. It is difficult to institute a comparison. The yield can be greatly increased by the adoption of improved and scientific methods of cultivation. Government are doing all they can to educate people in these methods through the Department of Agriculture and the Agricultural Committee of the Economic Conference.

9. Mr. H. Narasinga Rao asked.—Will Government be pleased to state whether in the interest of the efficiency of the public service, it is not desirable to include all the Deputy Amildars, Amildars and Munsiffs in the Civil Service Cadre?

Mr. D. M. Narasinga Rao, B.A., B.L., replied.—Government do not consider that the suggestion, even if practicable, would lead to any useful results.

10. Mr. C. Narasimhaiya, B.A., B.L., asked.—Will Government be pleased to state—

(*a*) how many of the endowments made by the State for charitable purposes during the Dewanship of Purnayya outside the Mysore State, are under the direct supervision of Government and how many are managed by others;

(*b*) whether Government exercise any kind of supervision over the latter;

(*c*) if so, what kind of supervision is exercised over Pasupathur and Veerasettihalli inam villages endowed for the maintenance of a choultry in Sankararoyalpet or Gundungal in Punganur Zamindari; and

(*d*) what the income from these villages is and how it is spent?

Rajasevadhurina Mr. M. Kantaraj Urs, B.A., C.S.I., replied.—(*a*) & (*b*) There are only three charitable institutions outside Mysore in receipt of a money grant from the State and they are under the direct control of Government. In the case of one other institution which has a land inam within the State, Government have the right to inspect and scrutinise the accounts.

(*c*) & (*d*) Government have no information in the matter but will make enquiries.

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* Printed as Appendix A. † Printed as Appendix B.

11. Mr. C. Narasimhaiya, B.A., B.L., asked.—(*a*) Will Government be pleased to lay on the table a statement showing—

(i) the number of centres in which elementary education has been made compulsory;

(ii) the number of boys of school-going age in each;

(iii) the number of boys of school-going age that were attending schools before the introduction of compulsion and since; and

(iv) the number of cases in which coercive measures have been successfully adopted?

(*b*) Will Government be pleased to state—

(i) whether sufficient facilities have been provided in all these centres for the successful working of the scheme; and

(ii) whether the figures do not justify a more vigorous policy in the matter of compulsory education?

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti, M.A., F.R.A.S, replied.—(*a*) (i) 68.

(ii) & (iii) In 1914 out of—

15,582 boys of compulsory ages,
10,600 were going to school,
and 5,019 have been admitted since the introduction.

In 1915 out of—

3,906 boys of compulsory ages,
2,376 were going to school,
and 1,722 have been admitted since the introduction.

(The excess in number is due to the children of neighbouring villages attending the schools.)

In 1916 out of about—

10,301 boys of compulsory ages,
6,098 were going to school,
and 870 have till now been admitted.

(iv) 324.

(*b*) (i) The answer is in the affirmative.

(ii) Inadequacy of suitable accommodation is the main difficulty in the way of opening more schools in the centres notified till now. Vigorous action is being taken.

12. Mr. C. Narsimhaiya, B.A., B.L., asked.—Will Government be pleased to lay on the table a statement showing—

(*a*) the number and value of machinery set up by the Department of Industries and Commerce;

(*b*) the number of cases in which their help was sought and rendered;

(*c*) the number of cases in which original investigation, if any, was made by the Department and the results achieved; and

(*d*) the reasons for the recent revision of the cadre of the Department at increased cost?

Mr. A. R. Banerji, M.A., I.C.S., C.I.E., replied.—(*a*) A statement * showing the required particulars is laid on the table.

(*b*) Advice and help have been given to several persons in the matter of inlay and brass works, sandalwood carving, sinking of wells, improved methods of weaving, the use of fly-shuttle looms, etc.

(*c*) A statement † giving the particulars is placed on the table.

(*d*) The appointment of two Assistant Directors was necessary in connection with the arrangements for the working of the Sandalwood Oil Factories. The

* Printed as Appendix C. † Printed as Appendix D.

present staff of the Department is hardly adequate to cope with the work in progress and the developments to be carried out in the near future.

13. Mr. B. V. Ramaswamy Chetty, B.A., asked.—In view of the fact that the fifth and sixth divisions of the Bangalore City Municipality are found to be extremely malarial owing to the existence of a large number of vegetable gardens in them, will Government be pleased to consider the desirability of improving the sanitation of those divisions by acquiring all the garden lands concerned or at least those situated to the west of the Lal-Bagh road and converting them into building sites?

Mr. A. R. Banerji, M.A., I.C.S., C.I.E., replied.—It is not made out that the proposed acquisition, the cost of which would be very prohibitive, is absolutely necessary in the interests of public sanitation. This is a subject which should be first considered by the Municipal Council.

14. Mr. B. V. Ramaswamy Chetty, B.A., asked.—Will Government be pleased to consider the desirability of improving the *morale* of the Police Force by raising the pay of its members?

Mr. A. R. Banerji, M.A., I.C.S., C.I.E., replied.—The attention of the member is invited to Government Orders Nos. J. 1085-94—Police 256-12-5, dated the 25th September 1913, J. 882-2—Police 195-13-2, dated the 28th September 1914 and J. 4033-4—Police 100-14-4, dated the 22nd May 1915, regarding the revision of certain branches of Police Department, the grant of increased pay to the constables and the opening of a hostel. Within the past three years the increase of expenditure sanctioned by Government on this account has been Rs. 82,514-12-0.

The question is under further consideration.

The Mysore State Life Insurance Bill.

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti.—SIR—With your permission, I beg to move that leave may be granted to introduce the Mysore State Life Insurance Bill.

At present, under the rules of the State Life Insurance scheme the assured bonus becomes payable either on the insured person attaining a particular age or on his death. No difficulty whatever is experienced in making payments promptly in the former class of cases. The transaction is a straight one and the claimant, generally a retired officer, is naturally keen about receiving the bonus amount at once. The difficulty with the Insurance office in these cases is not in making the payment but in making it as quickly as the impatient claimant desires. In the case of death claims, however, the circumstances are quite different. The heirs of the deceased insured person are frequently in great need of money, but under the rules in such cases the bonus can be paid only to the registered nominees or to the legal heirs of the insured, declared as such by a competent court of law. Of course if all insured persons avail themselves of the rules permitting the registration of nominees, then there would be no difficulty and it would not be necessary to bring forward a Bill like this. For some reason or other we find that a considerable number of persons do not take advantage of the nomination rules. During the last few years the Insurance office has made a regular campaign for securing nominations so that all death claims may be promptly settled. Nomination forms have been printed and distributed to all insured and they have been pressed either to make a nomination or to declare that they have no intention of making a nomination. But some men by nature do not ordinarily like to contemplate the contingency of their own death. In spite of the utmost endeavours of the Insurance office some 30 to 40 per cent of the insured have not registered nominees in respect of their policies. Cases are therefore still frequent in which the Insurance office finds itself in a difficult position. An insured person who has not registered a nominee dies and the widow or the orphan child applies to the Insurance office for bonus. In such cases the Insurance office has to tell the applicant that as the deceased policy-holder did not make a nomination, a certificate from a competent

court of law declaring him or her entitled to the bonus is necessary. I need hardly add that such a reply proves very disappointing to the applicant and involves on that party a great deal of hardship. A certain amount of delay and difficulty is experienced in obtaining the Court's certificate and in the result the heirs of the insured do not get the benefits of the insurance at a time when they are most needed.

The object of the present Bill is to mitigate this difficulty to some extent and to ensure prompt payment in cases where the total amount does not exceed Rs. 1;000.

The Bill for introducing which leave is sought is very brief and its essential sections are only two in number. They are as follows :—

(1) When the insured dies, the officer whose duty it is to make payment of the bonus and other amounts due along with it may pay them,—

(*a*) to any person nominated by the insured according to the rules framed by Government in this behalf,

(*b*) in default of any such nomination to the person who produces a succession certificate or probate or letters of administration under the law in force claiming to be entitled to receive such sum provided that where the sum payable does not exceed one thousand rupees, payment may be made to such person as the President and the Secretary of the Insurance Committee, after reasonable enquiry find to be entitled to receive it.

(2) No suit or other legal proceeding shall lie against any person in respect of anything done in pursuance of the provisions of this Regulation.

It will thus be seen that the provisions are very simple. The President and the Secretary of the State Life Insurance Committee are empowered to make bonus payments up to a limit of one thousand rupees in each case after reasonable enquiry.

Members of this Council are aware that in the case of Savings Bank Deposits similar powers are exercised by officers in charge of Savings Banks. It is also proposed to give similar powers to officers in charge of Provident Funds and the Bill for this purpose has already passed several stages in this Council and will come later on in to-day's proceedings for being passed. The object of this Bill, as of the other measures which I have just now referred to, is to afford relief to families on behalf of which provision has been made by prudent and thrifty persons and I have no doubt that the measures will be welcomed by all.

It may be urged that the Bill will involve some loss of Court-fee revenue. The loss, as far as it goes, is real but the Government in this case as in other similar cases are willing to bear this small loss for affording the necessary relief. Moreover, it will be remembered that the Bill applies to cases where the total amount due is less than one thousand rupees. It may also be apprehended by some that the President and the Secretary of the State Life Insurance Committee may not have the same facilities for ascertaining who the real claimant is, as a court of law has. In this connection it is to be observed that payment by the President and Secretary will be only permissive and it may be presumed that they will exercise the power, proposed to be conferred by the Bill, only in cases in which they are satisfied beyond reasonable doubt of the validity of the claim. In doubtful cases it will still be open to them to require the certificate of a court of law before payment is made. Moreover, even on the extreme assumption that an error is made in payment, the real claimant will still have the right to proceed against the party who has wrongly taken payment. For, though the law will protect the *bona fide* actions of the Insurance office authorities, it will of course not protect a wrongful receiver.

Sir, the Bill for introducing which leave is now asked for is simple and I need not detain the Council with any further remarks. If the necessary permission is granted the detailed provisions of the Bill may be thrashed out and settled according to prescribed procedure in ordinary course.

Rajasabhabhusana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—Both the scope and the utility of the Bill have been explained at great length by the learned mover and it only remains for me to say that this Bill is intended to afford relief to the unfortunate survivors who have lost the bread-winner of the family and who are in sore need of the money which may be left to them by the deceased.. To such people it is not only meant to be a great relief but a real boon. The Bill is also a permissive measure. It protects people who are rightful owners of the money. So, there is no objection on the score of possible wrong to other parties.

I therefore beg to second the motion.

The motion was put to vote and passed.

Bill to prevent the spreading of Plant Disease.

Rajasevadhurina Mr. M. Kantaraj Urs.—SIR,—I beg to move that leave be granted to introduce a bill to prevent the spreading of plant disease in the State. The subject of harmful insects and pests has been receiving great attention in the West in recent years. As early as 1877 a statute was introduced in England for preventing the introduction and spreading of an insect known as Colorado Beetle destructive to crops. Under subsequent statutes orders could be made for preventing the introduction into Great Britian of any insect, fungus, or other pest destructive to agricultural or horticultural crops or trees or bushes. Similar enactments have been passed in Canada, United States of America, Australia, South Africa and other countries for the prevention and spread of these vegetable "undesirables." In 1914 a Destructive Insects and Pests Act was also passed in British India. So far as our own State is concerned in the interest of agriculture, it has been frequently represented to Government that in the case of certain infectious plant diseases like Kole-roga, Green-bug, and Kumbli hula pests, the need for some means of enforcing co-operation for remedial measure among the raiyats is very keenly felt. Though some of the raiyats may carry out the recommendations of the experts in the matter, the good results achieved by them are more or less completely nullified by the apathy of others. The representation is not the outcome of a single case of indifference but of innumerable instances. The danger resulting from the spread of these diseases is reported to be very great, and unless some such measure as is now contemplated is introduced, the consequences will, it is feared, be disastrous. Hence a small Bill is proposed to be introduced to prevent the spread of such diseases.

Under the Bill it is proposed to vest in the Government the power to notify any specified area as being infected and the power to frame rules for the inspection, disinfection and destruction of diseased articles, and for regulating the powers and duties of the officers employed on this duty and generally for the carrying out of the objects of the Bill; and a breach of the rule or order is made punishable only with a fine. The details of the Bill may be considered by the Select Committee. I request that as there is a great and urgent necessity for this measure leave to introduce it may kindly be granted.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion. The Member in charge of the Bill has explained at great length the scope of the measure and the details of the Bill will be considered in the Select Committee. So far as the principle of the Bill is concerned, I think it is necessary to have such a measure calculated to prevent the spreading of plant disease by means of insect and other pests. We know that the spread of lantana is ravaging the whole country and steps should be taken to prevent such a state of things.

Rajasevadhurina Mr. M. Kantaraj Urs.—SIR,—I beg to correct a mistake made by the last speaker. This measure does not concern lantana and other noxious weeds. It only refers to the prevention of the spread of plant disease.

Rajasabhabhushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—The ravages of the green bug are on the increase in Bangalore and unless timely

action is taken, I am afraid it would be very hard to eradicate the pest in course of time. I had some cases in my own compound and I had to call for the aid of the Government Botanist. I know that in the Tigalers gardens the green bug is in great abundance and destroys the results of their whole year's labour. The Bill is necessary not only to prevent the pests we already have from spreading but also to prevent the importation of such pests from abroad, now that we are getting plants from Australia and other countries.

I have therefore great pleasure in supporting the motion.

The motion was put to vote and passed.

Bill to amend the Mysore Land Acquisition Regulation, 1894.

Rajasevadhurina Mr. M. Kantaraj Urs.—SIR,—The next motion is only a formal one. I beg leave to move that the Bill to amend the Mysore Land Acquisition Regulation, 1894, which has already passed through several stages in this Council, be passed.

Mr. C. S. Dorasami Iyer.—SIR,—As the Council is aware, the Bill is intended only to obviate the necessity for notification by name of the Assistant Commissioner in charge of Sub-Division in acquisition proceedings, where small lands of trivial value have to be dealt with. I therefore beg to second the motion.

The motion was put to vote and passed.

Bill further to amend the Mysore Land Revenue Code, 1888.

Mr. A. R. Banerji.—SIR,—The next motion is that the Bill further to amend the Mysore Land Revenue Code, 1888, be passed. The members of this Council may remember, when last time it came up, the report of the Select Committee was presented and I had the honour of explaining the slight modifications which they had made. The Bill has now gone through all the different stages and no lengthy remarks are called for at this stage.

I therefore beg to move that the Bill further to amend the Mysore Land Revenue Code, 1888, be passed.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Bill to amend the Mysore Tramways Regulation, 1906.

Rajasevadhurina Mr. M. Kantaraj Urs.—SIR,—I beg to move that the Report of the Select Committee on the Bill to amend the Mysore Tramways Regulation together with the Bill as amended by them be considered in Council. The scope and purport of the Bill have already been explained to the Council and I do not propose to cover the same ground again. The Bill has been carefully considered by the Select Committee, and as the original clause was not found to be sufficiently comprehensive or precise, the Select Committee have re-drafted the clause, and their Report with the amended clause is already in your hands and I need not say much on the point. But I wish, however, to invite your attention to only one point. The British Indian Act of 1886, on which our existing Regulation is based was passed before the introduction of electric traction into India, and the provisions of that Act have been construed as not sufficiently comprehensive to cover cases of electric traction when applied to tramways. Hence the British Indian Act was amended in 1911 by Act V of 1911. As the tramways proposed to be constructed by our Government are intended to be worked by electric power, necessary changes have been made in re-drafting the clause with a view to its applicability to tramways worked by electric power also.

Rajasabhabhushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—The Bill was gone into very carefully at the Select Committee and they thought it necessary to re-draft it on the lines now indicated. All the rules that the Government wish to impose upon a private company under the Tramway Regulation cannot be made applicable when the tramway is worked by Government. The Select Committee therefore recommend that certain sections only of the Regulation may be made applicable when the Government themselves undertake to work the tramway. It is necessary that some distinction should be maintained when the work is taken up by Government. The omission as regards the working by electricity has been supplied in the draft now revised. I beg to second the motion.

Mr. C. S. Dorasami Iyer.—SIR,—I am also in favour of the motion. But I have some doubt regarding one point. In sub-clause (*c*) of the new section 47A(1), a penalty of Rs. 500 is prescribed while in the Regulation itself, *vide* section 25 a maximum penalty of Rs. 200 is prescribed. I would like to know whether this higher penalty is deliberately proposed to be fixed in the case where the Government themselves take over the management. If not a maximum penalty of Rs. 200, which will be in consonance with the other penal section of the Regulation, may be prescribed for infringment of rules framed under section 47A.

Mr. K. P. Puttanna Chetty.—SIR,—The section referred to is taken bodily from the Municipal Regulation. The penalty should be Rs. 200 and not Rs. 500. It is not intended that the Government Agency should be punished more severely than private bodies for infraction of rules.

The amendment was accepted by the mover.

Mr. M. Basava Iya.—SIR,—I suggest another verbal amendment, *viz.*, the omission of the words "power" and "by" in the 3rd line of sub-section (*a*) of section 47A.

This was also accepted by the mover.

The motion was then put to vote and passed.

Rajasevadhurina Mr. M. Kantaraj Urs.—SIR,—I now beg to move that the Bill as amended be passed.

Rajasabhabhushana Dewan Bahadur Mr. K. P. Puttanna Chetty.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Bill to amend the law relating to Government and other Provident Funds.

Mr. A. R. Banerji.—SIR,—I beg to move that the report of the Select Committee on the Bill to amend the law relating to Government and other Provident Funds together with the Bill as amended by them be considered in Council. This Bill was referred to the Select Committee of this Council last April. The Select Committee have gone through the provisions of the Bill with considerable care and made just one or two alterations. In the report that is before us, there is a small printing error. In the 3rd paragraph of the report, for "sub-clause (*c*) of clause 3" please read "sub-clause (*a*) of clause 3". Sub-clause (*a*) reads as follows:—

"to any person entitled to receive it according to the rules of the fund or in the absence of any rule of the fund to the contrary, to any person nominated in writing by the deceased subscriber....."

The Select Committee have omitted the word "deceased" and added "and registered in the office of the fund during his lifetime."

I think the members will all agree that it is a very desirable precaution to insist that the name of the nominee should be registered in the office. The other alterations do not require any explanation from me. "A District Fund or a Municipal Fund" is altered to "under a local authority"; and "Muzrai institution"

has been specified in greater detail by adding the words "as defined in the Muzrai Regulation, VI of 1913."

I therefore beg to move that the Bill as amended by the Select Committee be considered now in Council.

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti.—I beg to second the motion.

Mr. H. Narasinga Rao.—SIR,—I beg to move that in clause 5 of the Bill the word "or" occurring after the words "anything done" and also the words "intended to be done" be omitted.

Clause 5 reads as follows:—"No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Regulation."

Under this clause, "good faith" is required for "anything intended to be done" but anything actually done does not require good faith. I submit that what is intended to be done is not actionable. Something more than mere intention is necessary to constitute an act actionable. I therefore propose that the words "intended to be done" may be omitted and "anything done in good faith" may remain. If the amendment is accepted, the clause would read as follows:—"No suit or other legal proceeding shall lie against any person in respect of anything done in good faith in pursuance of the provisions of this Regulation."

Suppose, A is really entitled to receive the money but the officer gives it to B. So that, what is actually done must be done in good faith in pursuance of the Regulation. It is only then that immunity can be granted.

Mr. B. Narasinga Rao.—SIR,—I beg to second the motion, but wish to suggest another amendment along with it. The word "good faith" seems to me to have been misplaced there, for, it would certainly be all right if the section is read as follows:—

"No suit or legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith in pursuance of the provisions of this Regulation."

Mr. H. Narasinga Rao.—SIR,—I accept the amendment. There is no harm in retaining the expression "intended to be done."

Mr. S. Seetharamaiya.—SIR,—I think the expression "intended to be done" seems unnecessary as Mr. H. Narasinga Rao originally said. Anything intended to be done in pursuance of the provisions of this Regulation, is not actionable at all. No wrong will be done to anybody by the intention. The vague intention will not harm anybody and it cannot give any cause of action to anybody. Hence "intended to be done" is unnecessary. The amendment as originally proposed by Mr. H. Narasinga Rao appears to me to be all right. The reason that there is no harm in retaining it is no reason at all when it is considered that in a legislation every word must have some effect. Without any object and without any effect, there is no meaning in leaving that expression there.

Mr. C. S. Doraswamy Iyer.—SIR,—I do not see any words in section 5 of the Bill which require to be expunged.

Two objections are raised:

(1) that the words "good faith" are misplaced and they ought to come before the word "done" in line 2. If this is accepted by the learned mover, I have nothing to say. If not, it seems to me that the present position of the said words is the proper one.

(2) the words "intended to be done" are unnecessary.

As I understand that it is open to me to speak against the first objection, I beg to point out that where an act is done in pursuance of the Regulation, that is to say in conformity with the authority given by the Regulation itself, the question of good faith does not arise. If, on the other hand, any act is done contrary to

the provisions of the law, the act is illegal and the question of good faith need not be taken into account. For instance, under clause (*b*) of section 3, an officer authorised to make the payment of a sum which does not exceed one thousand rupees may do so after making an inquiry which, in his opinion, is reasonable. Supposing that he makes no inquiry at all or that the inquiry that he makes is so defective that it cannot be deemed to be an inquiry at all or that the inquiry made can by no means be stated to be reasonable, then there is a contravention of the express provision of law and what is done is therefore not done in pursuance of the provisions of that Regulation. If the act done is, in accordance with law, his act is certainly not actionable and therefore needs no special statutory protection. But if, on the other hand, he does an act believing in good faith that he is acting in pursuance of the Regulation protection is required if it turns out that some detail has been omitted. In such a case "good faith" is required to protect him because he purposes to act with the honest, though perhaps mistaken intention and belief of conforming to the authority given by the Regulation. Compare "The Judical Officers Protection Regulation" where a judge or magistrate acting judicially is similarly protected if he in good faith believed that he had jurisdiction so to act and acts. If in good faith he believes that he has jurisdiction, when in fact he has not, the Regulation gives him protection. No "good faith" is required for the act done, or ordered to be done, but "good faith" is necessary for believing whether he has jurisdiction or not to act in the matter. It is perhaps in view of such a distinction that the language in section 5 of the corresponding enactment in British India was changed by the Select Committee to what it is, in lieu of what it was. I, therefore, oppose the amendment and I submit that I do not see any necessity to expunge the words "intended to be done" or to transpose the words "good faith" in the manner suggested.

Mr. A. R. Banerji.—SIR,—After the explanation that Mr. Dorasami Iyer the Government Advocate has furnished, I just wish to point out that by proposing the insertion of the expression "in good faith" in the place after "intended to be done," I did not think that the member was suggesting any real material amendment. As now explained we see that if anything is done in pursuance of the Regulation, then the question of good or bad faith does not arise. Perhaps, if I refer to the Government of India Act and the corresponding section now under discussion, it will enlighten us to some extent. The Government of India Act, section 5 as originally drafted before the Select Committee altered it read thus:—"No suit or legal proceeding shall lie against any person in respect of anything in good faith done or intended to be done." The Select Committee altered it as it stands now. In the present Bill that is the phraseology adopted and I do not think that there is any real change involved in accepting the amendment of Mr. B. Narasinga Rao. If the clause is amended thus "if anything done, or intended to be done in good faith," I have no objection to accept the amendment.

Mr. S. Seetharamaiya.—SIR,—The learned Member suggested that if anything is done in pursuance of the Regulation, it must be presumed to have been done in good faith. I think the act may be done in pursuance of the Regulation; still there may be some defect or some mistake which may be *bona fide* or *mala fide*. There is the provision for enquiry but the enquiry may have been held in a mistaken manner. For instance a police officer arrests a man without a warrant. He has got authority to do it, when any information is received by him. Strictly speaking he is well within his powers. Still after further investigation it may be found that he acted maliciously. Hence the mere fact that a certain thing is done under the law does not mean necessarily that the act is done *bona fide*. It may be *mala fide*. So the word *bona fide* is necessary even for an act done. With reference to "intended to be done" I think the Government Advocate said that there may be a case where an order is passed about payment. It is yet an act done and before that act is actually carried out it must still be considered to be done *bona fide*. I submit that the act done is different from mere passing of an order. The latter is simply an intermediate step in the completed act. Supposing an order for making the payment is passed, that does not give rise to any legal action either by way of suit or proceeding. The man will have no cause of action. So the expression "intended to be done" seems to be quite unnecessary. The more I think of it, the more do I feel convinced that that phrase is unnecessary.

Mr. C. Narasimhaiya.—SIR,—The word "in good faith" would apply only to the act done. I would therefore suggest the following alteration. The phrase "intended to be done" may go first and "act done in good faith" afterwards without any comma.

Mr. H. Narasinga Rao.—SIR,—When an order is passed and an enquiry is made, it is something done under the Regulation. It does not cover what is intended to be done. So that "intended to be done" serves no purpose whatsoever. "If good faith" is not inserted after "anything done," there will be no room to find out whether what is done is done in good faith or bad faith. It would be a most dangerous instrument in the hands of officers dealing with thousands of rupees belonging to poor people. There ought to be a safeguard to every depositor and there ought to be a warning to every officer concerned against abuse of power. I therefore submit that "good faith" is absolutely necessary for "anything done." There is no occasion for the words "intended to be done."

Mr. A. R. Banerji.—The differentiation between the thing done and intended to be done is with reference to the actual payment under that clause.

Mr. H. Narasinga Rao.—No, not necessarily so. In respect of everything done under the provisions of the Regulation, if it is done in bad faith, his act is actionable. The depositors must have confidence that their money is safe, and the officers concerned must know that for anything done in bad faith they are held answerable. What is intended to be done unless it is actually done cannot be the subject of an action. That is why "intended to be done" is unnecessary.

Mr. A. R. Banerji.—Supposing the officer asks the party to produce a certificate with the object of making the payment. Will he not be protected under this provision?

Mr. H. Narasinga Rao.—Under the Regulation there are so many things to be done. Every step that the officer takes—if he takes it in good faith he is protected; else his act is actionable.

Rajamantrapravina Dewan Bahadur J. S. Chakravarti.—SIR,—The clause under discussion is a protective clause. It is a clause which is intended to empower the Provident Fund authorities to make certain payments after due enquiry and to protect those making such payments in pursuance of the Regulation from any liability in the matter. This means that in respect of these transactions the Provident Fund authorities will be allowed to act according to their light without any interference from courts of law. That is the object. When the payment has been actually made in pursuance of the Regulation the object is fulfilled, and no interference should be possible. And if anything is "in good faith intended to be done" there should be no interference in that also. The intention of the clause is that all arrangements to make payment, if made in good faith, should be allowed to proceed without interference. Therefore the clause as it stands is all right. The Provident Fund authorities should not be troubled for acts done in pursuance of the Regulations. And when they are still arranging to make a payment intending to do it, if it is in good faith that they intend to make the payment, then also they must be allowed to proceed without interference. Whatever is done in pursuance of the Regulation should be protected; and, "anything intended to be done" should also be protected from interference if the intention is to act in good faith. In this view, the wording as it stands is all right and does not require any change or transposition of words.

Mr. B. Venkatashamanna.—SIR,—The Financial Secretary said that so far as immunity is concerned, no good faith is necessary when the act is done because provision of law has been duly observed. But as an additional guarantee I would say that good faith is necessary even when the officer is acting in conformity with the provisions of law. Let me take an extreme case. Suppose A, an officer, is dealing with B, a pauper. All formalities are observed and an order is made to pay the amount to him and it is paid. According to the Financial Secretary's statement, no action lies against the officer who made the payment although he may have acted *mala fide*. In such cases, the officer should be clearly liable because he acted *mala*

fide. I therefore think that my friend Mr. H. Narasinga Rao and others are right in insisting that good faith is necessary even in cases of acts done in conformity with the provisions of law. But the learned Government Advocate said that good faith is necessary only when the act is intended to be done and not in cases of acts done. Here intention is not either criminally or civilly liable. We cannot punish intention; or we cannot hold the man intending liable. The real cause of action arises only when the payment is made. Any thing short of payment would be of no use. Others are only preliminary steps. Hence the amendment proposed by my friend may be adopted.

Mr. C. S. Doraswamy Iyer.—SIR,—As an abstract proposition of law, my legal friends are quite right in saying that undisclosed intention which is only in the mind of the person intending is not either punishable or actionable. But, if his intention is made manifest by words spoken or by acts done which the law will recognise as the expression of his intention, then I do not think that such overt acts will not be actionable in law. What section 5 is intended to convey is that for an act done, if intended *bona fide* to be done in pursuance of the Regulation, protection must be afforded. Protection is given not for *bona fide* unexpressed intentions but for acts intended in good faith to have been done.

Under section 3, clause (*a*), payment shall have to be made to the person entitled to receive it according to the rules of the Fund, and secondly, in the absence of a rule to the contrary, to the registered nominee of the deceased; in default, to the person that produces a certificate from a competent court empowering him to receive it. It is only in a case which is not disposed of in the above manner, that the officer authorised to make payments, sits as a judicial officer makes a reasonable inquiry and directs payment, provided it does not exceed one thousand rupees, to the person who, as the result of such inquiry is in his opinion entitled to receive it. His act being a judicial act, he requires protection in the same manner in which judicial officers in similar circumstances will be protected. If the officer does a thing which is contrary to law, then as I stated already he is not protected for obvious reasons. If he takes precaution in a reasonable manner, to conform to the provisions of law, then his acts, if *bona fide* intended to be done under the Regulation will, I need not repeat, be protected. Mr. Narasinga Rao, as I understood him, said that there could possibly be no acts which might be intended to be done and are not actually done. In his view, therefore, the words "intended to be done" in section 5 are mere surplusage and are out of place in the statute. He is also of opinion that, there could possibly be no action taken against the officer, in such circumstances. I beg to submit as an example that if, between the date of the order directing payment and of the actual payment, we consider that there is an act done and an intention expressed to do another act later on, is there not an opportunity afforded, for the paying officer if he is not statutorily protected, being proceeded against, by means of an injunction in the interval. I need hardly add that the Regulation will not stand in the way of the rightful claimant establishing his right against the wrongful payee and recovering the amount paid to him. I do not think therefore that any fresh light has been thrown as to why we should depart from the phraseology adopted by the Select Committee to whom the Government of India Bill was referred.

Mr. M. Basava Iya.—SIR,—Both the classes of cases namely, where an act is done, that is, payment is made and where it has not gone so far but still is in the intention where the officer orders that payment may be made but the payment is not actually made—such classes of cases may be considered in the light of the present clause. If only a comma is placed after "in respect of anything done or in good faith intended to be done," the differentiation will be clear.

Mr. A. R. Banerji.—SIR,—We have had a learned discussion on the actual phraseology to be adopted in clause 5. Perhaps I may add another remark to show that there is a deliberate intention in adhering to this phraseology in this Bill. So far as protecting clauses are concerned, we see in some other Acts that protection has been given to Government Officers of Departments such as Excise, when they do certain things in pursuance of the powers vested in them by the Legislature and

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Rajasabhabhushana Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The meeting then adjourned *sine die*.

By Order,

G. SREENIVASA IYER,

Secretary, Mysore Legislative Council.

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such protection is always qualified by the word "*bona fide*" that is to say, protection is given only when acts done or ordered to be done are acts based on good faith. I may only refer you to Section 72 of the Abkari Act. For example, "No action shall lie against the Secretary of State for India in Council, or against any Abkari Officer, for damages in any Civil Court for any acts *bona fide* done or ordered to be done in pursuance of this Act or of any law for the time being in force relating to Abkari revenue." Here the qualifying words apply to both acts done and ordered to be done. In the Bill now before us I have attempted to explain that there is a differentiation between an act done and an act intended to be done. The only act to be done under the Bill is the actual payment. So, if the Council prefers to introduce the word "payment" in clause 5 instead of the expression "anything done" I do not think there will be any material change of meaning. What I wish, however, to point out is, that the Government of India phraseology which we propose to adopt is intended to make a distinction between the actual payment which requires no qualifying phrase as to whether it was made in good or bad faith and an intended payment. In other words, if the rules are followed and payment made there is no question of bad faith. For, in pursuance of the Regulation if a payment is made to a person entitled under the rules, the officer must be permitted so to do and no interference should be allowed, for instance, by the stay orders of any Civil Court. But in regard to acts intended to be done the protection is qualified by the usual rules applicable to such protections which have been followed in other Acts namely, that the act must be intended to be done in good faith. I think that is the main distinction. If Mr. H. Narasinga Rao's amendment which I felt inclined to accept purports to be this, *viz.*, put a comma after "anything done," the meaning remains the same; on this condition only the amendment may be accepted; otherwise, the wording may be remain as it is. Government are unable to accept the amendment.

Mr. Narasinga Rao's amendment was put to vote and lost.

Mr. M. Basava Iya.—SIR,—The officer in charge or other person who is looking after the distribution of money to the heirs of the deceased would be entitled to give the money without taking any security from them. If the heir of the deceased should happen to be a pauper, the difficulty would be that the officer making the payment after some enquiry which would be only departmental and not judicial would be protected by this section and there can be so suit against him. The question then would be whether there should be an appeal or an original suit. If there should be an original suit and a decree amongst two rival claimants the defendant being a pauper the difficulty would be that there will be no remedy against him. Therefore I suggest that words which would import the meaning that the person who takes the money from the officer shall give some security, should be inserted. The following may be inserted in clause 3 (*a*) after "rules of the fund"—namely "on his furnishing security."

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti.—SIR,—This amendment strikes at the very root of the principle underlying the Bill. The rules of a Fund may lay down that the Provident Fund amount will be paid to certain surviving relation, failing such relations to certain other relation and so on. An officer knows exactly to whom his money will be made over in ordinary course in case of his death if he does not make a separate nomination. So his not making a nomination is an implied nomination in favour of the person entitled to receive the amount under the rules of the Fund. I cannot understand why security should be demanded from such a person who is practically a nominee. In other cases the question of security to be taken must be left to the discretion of the authority making the payment. The provision of the Bill is only permissive. If the other interested parties give information to the Provident Fund authorities that there will be difficulties afterwards if the payment is made, then necessary precaution will be taken. But if the authority is satisfied beyond doubt or beyond reasonable doubt, about the validity of the claim, he may not take security. The mover of the amendment apprehends that mistakes may be made and that if a wrong payment is made without security and the recipient is not solvent the rightful claimant will have no remedy. But such cases will arise only under a very rare combination of circumstances, *viz.*, (i) that the responsible officer will commit blunders or be guilty

of dishonest collusion, (ii) that the parties to which payment is made will be paupers. Fearing loss in such rare and remote cases, it is proposed to deny redress urgently required in hundreds of cases. For to require security will be to practically repeat the very difficulty now encountered by the parties in law courts. I therefore think that the amendment or suggestion of Mr. Basavaiya should not be accepted.

Mr. M. Chengiah Chetty.—SIR,—If the amendment is adopted, the object of the Bill will be altogether frustrated. I know of a case in which the widow had to wait for eight years for the amount. Although she has got money in the Insurance office she is compelled to go a-begging. The object will be thoroughly frustrated if you demand security. The provisions are just and reasonable and I hope the officers will have thorough commonsense in making payments properly.

Mr. Basava Iya's amendment was not put to vote as no notice of it had been given as required by the rules.

The original motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I now beg to move that the Bill as amended be passed.

Rajamantrapravina Dewan Bahadur Mr. J. S. Chakravarti.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Bill to amend the Tank Panchayet Regulation, 1911.

Mr. A. R. Banerji.—SIR,—I beg to move that the Report of the Select Committee on the Bill to amend the Tank Panchayet Regulation, 1911, together with the Bill as amended by them be considered in Council. The members of this Council may remember that the Bill was introduced last February and read in Council and referred to the Select Committee on the 28th April. The Select Committee's report which is before the Members makes only one material alteration and that is in regard to clause 2. The definition of "raiyat" being very wide, they have restricted it and made the consent applicable only in respect of those holding in the aggregate not less than half the occupied area of wet lands under the tank. "With the approval of the majority of not less than two-thirds of the raiyats" was how the draft stood before. The following words have been added "holding in the aggregate not less than half the occupied area of wet lands under the tank" after the word "raiyats" in clause 2.

The amendment is quite obvious and I do not think there is any explanation needed. The other alterations are merely verbal.

Mr. C. S. Balasundaram Iyer.—SIR,—I second it.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I beg to move that the Bill as amended be passed.

Mr. C. S. Balasundaram Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The Minor Tank Restoration Bill.

Mr. A. R. Banerji,—SIR,—I beg to move that the report of the Select Committee on the Minor Tank Resoration Bill together with the Bill as amended by them be considered in Council. This is another of the small Bills, relating to the Tank Restoration Scheme. It was introduced into this Council last February, and was referred to the Select Committee on the 28th April. The report of the Select Committee explains the modifications that they have suggested. It has been considered that as the scheme sanctioned by Government in 1914 relates only to restoration and improvement and not to the construction of new tanks it is desirable to limit it to the restoration and improvement only. The next suggestion is

that the orders of the Deputy Commissioner should be made final and therefore a clear clause has been suggested which runs as follows:—

4. "At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the expiration of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected the Deputy Commissioner shall make an order confirming the agreement and his order shall be final."

I think the members will all agree that the re-drafting of this clause is a great improvement on the original draft. I therefore beg to move that the report of the Select Committee on the Minor Tank Restoration Bill together with the Bill as amended be considered in Council.

Mr. C. S. Balasundaram Iyer.—SIR,—I second it.

The motion was put to vote and passed.

Mr. A. R. Banerji.—SIR,—I beg to move that the Bill as amended be passed.

Mr. C. S. Balasundaram Iyer.—SIR,—I second the motion.

The motion was put to vote and passed.

Bill to amend the Law relating to the Registration, Surveillance and Control of Criminal Tribes.

Mr. D. M. Nararasinga Rao.—SIR,—I beg to move "that the report of the Select Committee on the Bill to amend the law relating to the registration, surveillance and control of Criminal Tribes together with the Bill as amended by them be considered in Council."

The Bill as amended has been duly published and the other legal formalities prescribed in Rule 46 of the Rules of Business also complied with.

Six amendments have in all been made by the Select Committee of which three are important ones. It is unnecessary to repeat the reasons given in the report for the three amendments of a minor character relating to old clauses 1, 16 and 18. A few supplemental observations will be made in the case of the more important ones.

The first important amendment is represented by the insertion of new clause 11 and the consequential amendment of old clause 11. The former now prescribes the submission of a report by the Inspector-General of Police to the Government giving full reasons for restricting the movements of or settling criminal tribes and also lays down the particulars of information required by Government for concluding whether the proposal is expedient or not. In view of the very responsible nature of this necessary power reserved by Government, this provision is salutary. It ensures a thorough consideration of each question as it comes up. The provision is a reproduction of section 11 of the British Indian Act with a single difference, *viz.*, while the Local Government is the reporting and the Supreme Government, the sanctioning authority in British India, the Inspector-General of Police submits a report for the orders of Government here.

The second important amendment touches new clause 18. Originally, the power to discharge or remove persons from settlement or school had been reserved to Government, as in the case in British India. As, however, this power is not of a very responsible character, it is proposed to enable Government to authorize any officer whom they might consider suitable for the purpose, to exercise the same whenever it is necessary to do so for promoting despatch of work.

The other important amendment is introduced by new clauses 19 and 20 and new sub-clause (*n*) of new clause 21, which go together.

Clause 19 takes power on behalf of Government to apply clause 20 to any criminal tribe declared to be as such outside Mysore.

Clause 20 prescribes a written permit granted by the Inspector-General of Police as a condition precedent for any such tribe or member thereof entering into Mysore. If this is not fulfilled, the person or persons concerned may be required by a written order to leave Mysore within a week. Failure to do so would be punishable with imprisonment, which may extend to six months or with fine which may extend to two hundred rupees or with both and the person or persons concerned shall also be liable to be sent out of Mysore on the expiry of the sentence.

Sub-clause (*n*) of new clause 21 takes power to frame rules in the matter.

These provisions are essentially based on Section 19 of the Hyderabad Act. In two material respects however, new clauses 19 and 20 differ from the law in Hyderabad. Under clause 19, the power to issue notification rests with Government whereas the Inspector-General of Police can exercise it in Hyderabad and under clause 20, the fine that can be imposed on the offender is limited to a maximum of Rs. 200, whereas in Hyderabad, it is unlimited.

The necessity for these provisions arises out of certain *apriori* considerations. Their preventive value is obviously high. They tend to render supervision over foreign criminal tribes entering Mysore far more effective. They further give practical effect to the general principle, usually recognized, that each Government should be responsible for their own criminal tribes and that these tribes should as far as possible be settled by the principle of domicile.

The principle underlying these provisions is but an extension of that contained in clause 26, which is based on Section 25 of the Criminal Tribes Act.

It is believed that the question of extending the application of Section 25 of the Criminal Tribes Act to Native States having a similar law is under consideration in British India.

Rajasabhabhushana Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—I second the motion.

The motion was put to vote and passed.

Mr. D. M. Narasinga Rao.—I beg to move that the Bill as amended be passed.

Rajasabhabhushana Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—I second the motion.

The motion was put to vote and passed.

The Law relating to Trading Companies and other Associations.

Mr. A. R. Banerji.—SIR,—The next motion I have to make is a formal one. I beg to move that my name be substituted for that of Mr. K. S. Chandrasekhara Aiyar, B.A., B.L., in the Select Committee appointed to consider the Bill to amend the law relating to Trading Companies and other Associations.

Mr. C. S. Doraswami Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Bill to amend the Law relating to Arbitration.

Mr. A. R. Banerji.—SIR,—I beg to move that my name be substituted for that of Mr. K. S. Chandrasekhara Aiyar, B.A., B.L., in the Select Committee appointed to consider the Bill to amend the law relating to Arbitration.

Mr. C. S. Doraswami Iyer.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

Bill to amend the Mysore Muzrai Regulation, 1913.

Rajasevadhurina Mr. M. Kantaraj Urs.—SIR,—I beg to move that my name be substituted for that of Mr. K. S. Chandrasekhara Aiyar, B.A., B.L., in the Select Committee appointed to consider the Bill to amend the Mysore Muzrai Regulation, 1913.

Rajasabhabhushana Dewan Bahadur Mr. C. Srikantesvara Aiyar.—SIR,—I beg to second the motion.

The motion was put to vote and passed.

The meeting then adjourned *sine die.*

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

APPENDIX A.

Question 8 (a).

Statement showing the standard rates of produce (revised figures) per acre of different crops.

[NOTE.—Palla=100 seers (measure of capacity the standards for which is a hollow bronze cylinder capable of holding when filled to the brim 108 tolas (180 grains, troy, each) weight of distilled water at its maximum density and under the normal atmospheric pressure. Maund=960 tolas or $24\frac{2}{39}$ lbs.]

District	Taluk	Paddy, Pallas	Ragi, Pallas	Cholum, Pallas	Horse-gram, Pallas	Sugar-cane, Maunds	Til, Pallas	Bengal gram, Pallas	Wheat, Pallas	Cotton, Maunds
1	2	3	4	5	6	7	8	9	10	11
Bangalore	Bangalore	8	5	...	2	200	2	...	...	...
	Hoskote	7	6	...	2	180	1	1	...	...
	Dodballapur...	4	4	...	2	100	1	1	...	...
	Nelamangala	10	6	...	2	190	2	...	...	...
	Kankanhalli...	8	6	...	2	106	2	2	...	...
	Magadi	13	5	...	2	150	...	...	...	...
	Channapatna	13	6	2	2	100	2	...	...	...
	Anekal	12	6	...	2	150	2	...	...	...
	Devanhalli	5	5	2	2	150	...	...	...	...
	Closepet	12	6	2	3	80	2	...	...	...
	District Average	*9*	*5*	*2*	*2*	*150*	*2*	*1*	...	...
Kolar	Kolar	10	4	...	1	145	1	...	...	...
	Bowringpet	12	7	4	4	213	4	4	6	...
	Chintamani	12	4	...	1	150	1	...	...	...
	Mulbagal	9	3	...	2	189	1	...	...	...
	Sidlaghatta	9	4	5	2	200	2	...	...	...
	Chikballapur	9	5	4	2	100	...	4	...	...
	Bagepalli	10	4	3	1	130	1	2	2	...
	Goribidnur	6	4	5	2	126	...	2	2	...
	Malur	8	5	6	3	108	2	2	...	...
	Srinivaspur...	12	6	4	3	190	2	1	...	...
	Gudibanda	10	5	5	3	140	...	...	...	...
	District Average	*10*	*5*	*4*	*2*	*144*	*2*	*4*	*5*	...
Tumkur	Tumkur	7	4	1	2	170	...	...	...	...
	Maddagiri	10	8	8	3	150	1	2	3	2
	Chiknayakanhalli	6	6	3	3	...	...	2	...	...
	Sira	13	5	5	3	100	3	3	8	5
	Gubbi	10	8	1	1	40	1	1	...	...
	Tiptur	11	6	2	3	80	1	2	...	...
	Pavagada	10	6	5	...	100	...	...	3	5
	Kunigal	10	6	2	3	240	...	2	...	...
	Koratagere	10	6	3	1	200	...	...	...	...
	Turuvekere...	10	5	2	2	70	2	2	2	10
	District Average	*10*	*6*	*4*	*2*	*146*	*1*	*2*	*4*	*5*
Mysore	Mysore	12	2	1	1	200	1	1	...	...
	Chamrajnagar	8	2	2	1	156	2	2	...	4
	Seringapatam	10	3	2	1	168	2	1	...	...
	Hunsur	6	2	1	1	...	1	1	...	...
	Yedatore	13	2	1	1	150	2	2	...	...
	Heggaddevankote	6	3	2	1	...	2	1	...	...
	Gundlupet	9	2	2	1	100	1	1	2	2
	Nanjangud	14	3	2	1	150	1	2	1	15
	T.-Narsipur	8	1	3	1	246	1	1	1	8
	Malvalli	8	2	1	...	144	1	1	...	...
	Mandya	9	2	4	1	116	2	1	...	...
	Krishnarajpete	7	3	1	1	69	1	1	...	...
	Nagamangala	7	3	3	1	62	1	1	...	...
	District Average	*10*	*2*	*2*	*1*	*121*	*1*	*1*	*1*	*12*
Hassan	Hassan	10	6	...	2	240	3	2	...	...
	Manjarabad (Saklespur) ...	8	2	...	1	25	1	1	...	...
	Arkalgud	6	3	2	2	90	2	2	...	2
	Belur	7	4	1	3	100	1	1	2	...
	Channarayapatna	8	7	4	5	125	3	3	...	1
	Arsikere	8	5	5	3	55	3	3	...	...
	Hole-Narsipur	8	4	2	2	90	2	2	...	...
	Alur	10	5	...	2	40	...	1	...	...
	District Average	*8*	*5*	*4*	*3*	*121*	*2*	*3*	*2*	*2*
Shimoga	Shimoga	8	3	3	2	60	2	2	...	6
	Channagiri	6	4	4	2	50	1	2	...	6
	Honnali	6	4	4	2	40	2	2	1	6
	Shikarpur	9	3	2	2	100	2	1	...	...
	Sorab	8	2	1	1	45	1	1	...	4
	Sagar	9	2	...	1	40	...	...	...	...
	Nagar (Kallurkatte)	8	2	...	1	40	...	1	...	...
	Tirthahalli	9	...	...	...	45	...	...	...	...
	Kumsi	9	3	3	2	45	...	2	...	...
	District Average	*8*	*3*	*4*	*2*	*65*	*2*	*2*	*1*	*6*

Question 8 (a).

District	Taluk	Paddy, Pallas	Ragi, Pallas	Cholum, Pallas	Horse-gram, Pallas	Sugar-cane, Maunds	Til, Pallas	Bengal gram, Pallas	Wheat, Pallas	Cotton, Maunds
1	2	3	4	5	6	7	8	9	10	11
Kadur	Chikmagalur	9	5	4	3	105	4	4	2	...
	Kadur	10	9	7	3	93	4	4	5	...
	Tarikere	10	5	4	3	80	3	2	2	10
	Koppa	8	3	...	2	60	...	...	...	...
	Mudgere	8	4	...	...	15	...	...	...	...
	Yedahalli	7	3	...	2	54	...	...	...	...
	District Average	*10*	*7*	*6*	*3*	*88*	*4*	*3*	*4*	*10*
Chitaldrug	Chitaldrug	6	5	6	2	65	3	3	2	12
	Challakere	9	6	3	2	...	1	2	1	11
	Hiriyur	8	4	4	2	50	4	3	2	12
	Holalkere	5	4	3	2	35	2	1	1	10
	Davangere	4	4	3	1	20	2	2	4	8
	Molakalmuru	8	6	5	1	70	1	1	3	10
	Jagalur	6	3	2	1	20	1	1	1	7
	Hosdurga	6	4	3	1	40	2	1	1	10
	District Average	*7*	*4*	*3*	*2*	*46*	*2*	*3*	*2*	*10*
	Provincial Average... ...	9	4	3	2	113	2	2	2	9

APPENDIX B.

Question 8 (b).

Statement showing the standard outturn per acre of certain crops in Mysore, Madras and Bombay.

		Mysore (*a*)	Madras (*b*)	Bombay (*b*)
1	Paddy	9 pallas or 1,035 lbs. of cleaned rice.	(1) Winter rice 1,680 lbs. (2) Autumn rice, 8,871 lbs.	1,230 lbs. of rice.
2	Sugar-cane	113 maunds or 2,782 lbs.	5,040 lbs. ...	6,950 lbs.
3	Wheat	2 pallas (400 lbs.)	.....	575 lbs.
4	Cotton	9 maunds or about 116 lbs.	87 lbs. (irrigated) or 65 lbs. (unirrigated).	100 lbs.
5	Ragi	4 pallas ...	Information not available.	Information not available.
6	Cholum	3 pallas ...	Do ...	Do
7	Horse-gram... ...	2 pallas ...	Do ...	Do

(*a*) *Vide* G. O. No. R. 6163-71—Agri. 102-09-7, dated 1st May 1912, fixing tentatively the standard rates of produce per acre of certain crops in the State.

(*b*) *Vide* page 8 of estimates of area and yield of principal crops in India, 1915-16, Department of Statistics, published by order of Governor-General in Council.

APPENDIX C.

Question 12 (a).

List of Installations erected by the Department of Industries from 1912-13.

Name of Installation	Bangalore District		Kolar District		Tumkur District		Mysore District		Hassan District		Shimoga District		Chitaldrug District		Total	
	No.	Cost	No.	Cost	No.	Cost	No.	Cost	No.	Cost	No.	Cost	No.	Cost	No.	Cost
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		Rs.		Rs.		Rs.		Rs. a.		Rs.		Rs.		Rs.		Rs. a.
Oil expeller	1	16,000	1	3,900	...	.....	...	.....	...	.....	...	.....	...	.....	2	19,900 0
Saw mill	1	15,000	...	.....	...	.....	1	2,100 0	...	.....	2	15,385	...	.....	4	32,485 0
Silk twisting	1	1,000	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	1,000 0
Printing press	3	97,000	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	3	97,000 0
Lithographic press	1	15,000	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	15,000 0
Sugar mill	2	16,500	1	13,500	2	24,000	3	12,450 0	...	.....	1	12,500	2	5,520	1	84,420 0
Pumping	5	17,500	9	21,977	16	46,150	3	17,500 0	1	15,000	8	42,600	12	46,100	54	2,06,777 0
Grinding mill	1	300	...	.....	...	.....	...	.....	1	2,000	...	.....	...	.....	2	2,300 0
Hosiery factory	1	5,000	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	5,000 0
Electric motors	4	6,400	...	.....	...	.....	1	1,500 0	...	.....	...	.....	...	.....	5	7,900 0
Sandal oil factory	1	1,00,000	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	1,00,000 0
Workshop appliances	1	2,000	1	.....	...	.....	1	141 4	...	.....	...	.....	...	.....	3	2,141 4
Wood turning plant	1	4,000	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	4,000 0
Rice hullers	...	.....	...	.....	...	.....	4	55,500 0	...	.....	3	23,700	...	.....	7	79,200 0
Ginning factory	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	40,000	1	40,000 0
Total ...	23	2,95,700	12	39,377	18	70,150	13	89,191 4	2	17,000	14	94,185	15	91,620	97	6,97,223 4

APPENDIX D.

Question 12 (c).

(1) Sandalwood oil distillation.

One factory has been erected and a larger factory is in course of erection at Mysore.

(2) Power milling of sugar-cane and the erection of improved furnaces utilising the megasse for boiling the juice.

There are seven private factories established as a result of experiments.

(3) Manufacture of jaggory by steam heating.

(4) Experiments in soap manufacture.

A plant has been ordered.

(5) Experiments in wool spinning and the manufacture of shawls and improved blankets.

The Tumkur District Committee are considering the question of erecting a mill with a capital of Rs. 50,000.

(6) Experiments in power loom weaving.

Power looms ordered from England for installation in private houses.

(7) Investigations in the manufacture of cotton seed oil.

A Joint Stock Company has been floated to manufacture cotton seed oil.

(8) Investigations in button manufacture.

A plant has been ordered on behalf of Government.

(9) Experiments in the value of several forest woods of Mysore, for wood distillation.

The Department has sent up proposals for setting up a wood distillation plant which are under consideration.

(10) Extraction of dye-stuffs from vegetable materials.